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PLATO's *LAWS*

A course offered in the autumn quarter, 1959

The Department of Political Science, The University of Chicago

Edited and with an introduction by Lorraine Pangle

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With assistance from Anastasia Berg

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Table of Contents

Editor's Introduction	ii-v
Note on the Leo Strauss Transcript Project	vi-viii
Editorial Headnote	viii
Session 1: Introduction, *Minos*	1-24
Session 2: *Minos*	25-55
Session 3: *Laws*, Book 1	56-81
Session 4: *Laws*, Book 1	82-108
Session 5: *Laws*, Book 2	109-138
Session 6: *Laws*, Book 3	139-169
Session 7: *Laws*, Book 4	170-195
Session 8: *Laws*, Book 5	196-222
Session 9: *Laws*, Book 6	223-250
Session 10: *Laws*, Book 7	251-279
Session 11: *Laws*, Book 8	280-309
Session 12: *Laws*, Book 9	310-338
Session 13: *Laws*, Book 10	339-369
Session 14: *Laws*, Book 11	370-399
Session 15: *Laws*, Book 12	400-432

Session 1: January 6, 1959

Leo Strauss: This seminar will deal with Plato's *Laws*. Plato's *Laws* consists of twelve Books, which enables us to divide it easily into twelve assignments. This same arithmetical process tells us that this will leave us four meetings free. Now the first meeting, it is clear, will be devoted to an introduction, probably the second as well. And it is possible that I will add one more meeting to the discussion of the First and Second Books. And so we will bring about a harmony between reason and chance, if it is a chance that Plato's *Laws* consists of twelve Books and our seminar consists of sixteen meetings. That can be doubted, because after all in both cases we have multiples of four. But following again the customary ritual, I believe I should say a word (although this is probably not necessary for everyone here) [about] why we try to read Plato's *Laws*. After all, we are political scientists, and political science as frequently understood has nothing to do whatever with such books as Plato's *Laws*. Now, in other words, let us remind ourselves briefly of how matters stand in political science today, generally speaking.

Political science as it is now mostly understood is a non-philosophic discipline, and this character of present-day political science is based on two characteristics. The first is the distinction between facts and values, according to which any question of the goodness of political arrangements cannot be answered by human reason; and the second characteristic of present-day political science—I mean of a very powerful trend in present-day political science—is the reduction of the political to the subpolitical. The simplest expression of that is the denial of the meaningfulness of a common good, by which political science as such would stand or fall. The reduction of the political, in the first place, to the sociological, and in the last analysis to the psychological. Now the question is whether there is a connection between these two characteristics of political science: (a) the distinction between facts and values and (b) this reduction of the political to the subpolitical. After all, could not every society be constituted by a value system,[1] this value system constituting the common good of that particular society? In other words,[2] a political science [would be imaginable] which does make use of the distinction between facts and values and still does not engage in any reduction of the political to the sociological or psychological. Or is this not possible?

Let us discuss that. Is it not possible to argue as follows: We look at a given society; what gives it its character and unity and[3] [therefore] makes it a society is its value system. And this value system can only be described; it cannot be judged in terms of its soundness or unsoundness. But we cannot deny the primacy of the value system as far as the society is concerned. Therefore, we have no right to reduce the value system—that which makes the society one, and which is as such political—to something sociological or psychological. Is this not possible? These old conventionalists, as one may call them, although vulgarly called the sophists, who said that everything noble or just is by convention, meant something of this kind. In other words, there was no question of any analysis of the society, the political, into sociological or psychological things because the

political was thought to be, in this sense at any rate, irreducible. But how does it come that in present-day social science this possibility is practically absent, so that the two propositions, i.e., the distinction between facts and values and the reduction of the political to the subpolitical, are taken as synonymous?

Student: I don't understand exactly what you are saying.

LS: I am very grateful for this remark. I was surprised that there were no objections.

Student: Well, I don't understand several things, but one thing I don't understand very much at all is this. You seem to be identifying a value system with what is political about a system or a society. At least this is the impression I get, and I wonder if this is quite true. Seemingly a value system takes into account all sorts of aspects of a society, not only the political aspect of the society but the sociological, the economic values, the religious values, and values of other sorts. That is one thing I don't understand—that is, what you are doing about that. Another thing I don't understand is what you mean by a reduction of the political to the psychological. I mean, I don't see that one is lower than the other.

LS: I see. You are perfectly consistent in saying that. I was looking at it from a non-positivistic point of view, and you can very well question that. You must in fact question that. All right, let us forget about the "sub" for one moment. What is the prevalent approach in the political science today? You have governmental actions taking place within a constitutional system. That can be described and must be described, but that would not be regarded as sufficient. You have to go back behind, say, the actions of parties, Congress, and so on. Behind to what? You go back, as I understand it, from the formal organization to the informal.

Student: This is certainly one approach. In political science, you can look at either. You can say . . . . [i]

LS: But still, where do we expect to find the explanation of political action? Say a law is passed and someone leaves it at what he can find out from the *Congressional Record* about the actions of the parties and so on. That I believe would be regarded today as insufficient as an explanation, because a deeper reason would be the reason of those interests moving—pressure groups or whatever it may be—the merely political agents.

Student: Yes, I suppose you might even go beyond that.

LS: For example?

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[i] There is an ellipsis at this point in the transcript. It is unclear whether the student's remark was inaudible or whether LS interjected before he could finish it. Such cases recur often in the text; repetitive mention of these is omitted.

Student: Well, to the sort of subsystems which produce those interest groups.

LS: Well, all right. Now you speak yourself of subsystems. I do not want to draw any unfair advantage[4] [from] that because you did not mean this in an evaluative sense; I know that. But at any rate, these subsystems are as such not political. You understand the political actions proper as resultants in some way or other of social groupings which are not as such political groupings.

Student: As we make the distinction between political and social.

LS: Yes, sure. How well founded . . . .

Student: In the way we define words.

LS: Yes, but still the words have a reasonably clear meaning. While it is necessary to give them the clearest possible meaning, we should not let ourselves be handicapped by merely verbal considerations. So I think it is no exaggeration to say that the general tendency of political science today is to understand the political in terms of the prepolitical or the subpolitical—subpolitical without any value, if you want to. Whether the "sub" is meant in an evaluative sense can only be proved if it is shown, prior to that, that the political association has an objectively higher aim than these other groupings. Sure. We know that.

Student: By "sub" you mean deeper reasons rather than lower in status. Is this what you are saying?

LS: Well, I mean lower in status, but I cannot expect that you believe that on my saying so, so let us leave this open and say [that]whatever the status may be, it may be that these prepolitical things are of equal dignity or perhaps even of higher dignity. I leave this now entirely open here in my argument with you. But the tendency is surely to explain the political in terms of the social rather than the other way 'round.

Student: If you want to use this word "sub" in the way that it is normally used, doesn't it really mean that the political is determined by more fundamental causes?

LS: Yes, sure. Now that is what Mr. Dennis meant by the term deeper which he used. Sure, you can say deeper in the sense of more profound, but we can also use deeper in the sense of lower in dignity. We leave this open for the time being.

But I have to meet your other point which is very important. That is to say, why should the values be the emphatically political? There are values in every sphere. Now let us look at how the discussion proceeds ordinarily today. If you take such a thing as democracy, freedom, or however it is called—which of course needs in every case a more precise definition, but generally speaking we know what we mean by that[5]—what is it that people mean when they talk about the common good? They mean of course also hospitals and bridges. I know that. But that which is primarily intended if political things

as political things are discussed is, in the case of democracy, a more democratic democracy (a better democracy) or a less democratic democracy. This is meant by the common good in the first place: that which united a society in such a way that by this union it acquires its character as a society. The common good cannot be explained, certainly not sufficiently, without paying due consideration to the alleged overall political value[s] cherished by that society. I try to use terms which are as obliging to your point of view as possible. I did not say that there are not values on other levels and of other kinds, but the question is this. Now if people today analyze a society, they speak of course of the institutions, naturally. But these institutions are unintelligible unless they are linked up with the objectives which they are meant to serve, and then, to use this present-day language, without considering the values for the sake of which these institutions are meant to function. So the common good, that which is meant to unite the society, cannot be defined. I mean, either there is a common good (and this common good is necessarily to be understood in terms of values) or there is no common good (and then the unity of the society becomes an absolutely insoluble problem).

Student: You are saying then that the institutions of government have to have a goal, or else it is meaningless. And this is what gives it its meaning. I think we would agree.

LS: Sure.That is what I am very anxious about: to start from such things. And these, however, are called in the present-day language the values. The point that there can be values on all levels and in the other associations within the political society is not denied. But here we are concerned [with] whether the political things as political things are irreducible to the non-political associations or not. And that means: Is there a common good of the society or is there not a common good? Now you know that the radical representatives of your school deny the existence of a common good. You know that?

Student: Well, I am not sure what my school is.

LS: The positivistic school. Don't take it too seriously, but still sometimes we need such terms.

Student: Well, I think we would have to argue that later.

LS: We must take it up later, by all means. Now what I tried to say was merely this. The distinction between facts and values and the denial of the possibility of rationality solving value questions is one thing; the attempt to reduce the political to the subpolitical is another thing. And it is not evident that the two things belong necessarily together. But still, in fact they do belong together, and one can roughly state the connection as follows. The basis of the fact/value distinction is a distinction which has sometimes been called a distinction between the is and the ought, with the additional premise that knowledge of the ought, i.e., of the true ought, is impossible. The is—reality, nature—does not possess in itself any values. These values are entirely dependent on the spectator, or maybe on the acting man. Values are specifically human and, furthermore, man is derivative. Man must ultimately be understood in terms of the nonhuman and—forgive me for saying it—in terms of the subhuman, because, from our ordinary point of view, we regard of course

brutes as subhuman, lacking certain possibilities of a high order which man possesses. This seems to be the connection between these two premises. At any rate, the fundamental premise of this kind of science, of which the prevalent school in present-day political science is a specimen, is that there is no essential difference between man and brutes. The name for that is evolution. We are now in the year 1959, and this reminds us of 1859, the year in which Darwin's[6] *Origin of*[7] *Species* appeared. Therefore we do not have to labor this point. Now this view that there is no essential difference between men and brutes rests on the broader premise that there are no essential differences at all; there are only differences of degree, only quantitative differences. And therefore, if this premise is accepted, all understanding must be fundamentally mathematical, quantitative, exact. This is the connection between these various points. The alternative to this view is the assertion that there are essential differences, and the classic representatives of this view are Plato and Aristotle. This is, then, the overall situation. Either our present-day social science is wholly unproblematic—and then let us do what the radical positivists say, i.e., let us forget about all earlier thought because that was folkloristic, based on all kinds of magic or other prejudices, or at least based on a much lower development of science, so much so that we cannot learn anything from that. But if there should be a problem in the present-day value-free social science, then it is necessary to consider clearly the alternative to this, and the clearest, the most outstanding representatives of the alternative are Plato and Aristotle. This is the background of quite a few courses which I give, and in particular of the present course.

Now we can take up the question, although this would be more fruitfully done on another occasion, whether present-day social science is as unproblematic as it presents itself. But I would like first to lead up to Plato's *Laws* in particular, and by the following consideration. Aristotle's *Politics* is doubtless the most developed and most accessible presentation of the alternative to present-day social science, but there are certain advantages which the Platonic presentation has and which the Aristotelian does not have. Now quite superficially, but not untruly, Aristotle's *Politics* is a part of an overall doctrine regarding the whole, the universe. And it is a part of a cosmology, we can say. And this cosmology is no longer tenable. I know of no one, however enthusiastic about Aristotle, who would say that Aristotle's cosmology can be restored or maintained as he meant it. Now the case[8] [with] Plato is very different. Plato developed a cosmology, as you probably know, in the *Timaeus*, but this is done with all kinds of reservations. For instance, the speaker is not Plato's main spokesman, Socrates, but Timaeus. And secondly, Timaeus himself presents this as a likely tale, and he does not regard that[9] [as] in any way demonstrated. In other words, Plato's political doctrine is not linked up so directly with a developed cosmology as Aristotle's doctrine is.

And then there is a second point which has made Plato particularly attractive throughout the ages, and that can be stated in the form of this contention. The first question which man can and must raise is the highest question. Now what is that first question? Say the most urgent question, to make it still stronger. The most urgent question is the question: How I should live? How one should live? The most urgent question is not how to get the means of survival because that presupposes that survival in the first place is chosen. In other words, the question is: What is the good life?—the question of the good as far as we

are concerned. But this question of the good is, according to Plato, at the same time the highest question. So the most urgent question is at the same time the highest question. The appeal which the Platonic dialogues had throughout the ages up to the present day can be reduced to this thesis: that [this] is a question which everyone can understand or can be brought to understand with a very few steps. The question of the number of stars, and even of the character of stars, of the interior of the earth, or what have you, the question of all kinds of characters of animals or plants—of all these questions a man can say: I am not interested in that, I don't care. But the question of the good life is such that he cannot responsibly say that. That is a question which is necessarily of concern to man. It is the first question, the most urgent question. And at the same time this primary question is the highest question, so that in Plato the question of immediate concern to man is always, one could say, immediately present. There is never a loss of the urgency of this question however abstruse the discussion may become. Plato is in this sense never academic, whereas Aristotle is very frequently academic. This is another reason why Plato has an appeal to us today in particular which Aristotle does not immediately have.

If we then would like to understand Plato's political doctrine, the question arises, of course, which Platonic work we should read. The case is not as simple as in Aristotle, where there is only one book devoted to the political problem as a whole, the *Politics*. In Plato we have at least three books which could raise a claim to our attention: the *Republic*, the *Laws*, and the *Statesman*. Now it would need quite an argument (which is not advisable to give now, [and] of which I can state only the result here) [that] *the* political book of Plato is the *Laws*. The *Republic* is rather concerned with establishing the essential character of political things, the essential limitations of the political, than with developing a detailed political doctrine. For Plato as well as for Aristotle the guiding political question is that of the good, or the best, political order. What Plato regarded as the best political order he tells us in the *Laws*, not in the *Republic*. Of course apparently he tells us [this] in the *Republic*, but one could show without too great difficulties that the claim raised in the *Republic* on behalf of that scheme, communism and so on, is not meant seriously by Plato. His concrete answer to the question of the best regime is found only in the *Laws*. And the *Statesman* is not a political book at all; it is a part of an attempt to answer the question of what knowledge is. The *Statesman* belongs to a trilogy beginning with the *Theaetetus* and [is] in between [it and] the *Sophist*, and this trilogy is devoted to the question: What is knowledge? And part of that question is: What is political knowledge? Because political knowledge is the knowledge possessed by the statesman or king. That is the context in which Plato discusses the statesman in the *Statesman*, not for the sake of politics. Externally this appears very simply in this form: The interlocutors in the *Statesman* are young mathematicians, and the chief speaker is not Socrates but a philosopher called the Stranger from Elea, whereas the interlocutors in the *Laws* are two old men stemming from highly renowned political societies, people of long political experience. They are the natural addressees of a political discussion proper. Young mathematicians are not the natural, the competent addressees of a political discussion. In the *Republic* the addressees are also very young men, men without political experience. I do not say, God forbid, that one should not study the *Republic* and the *Statesman*, but I only state the case for the *Laws* in particular. One could also make a

very strong case for reading the *Republic* as well as for reading the *Statesman*, but that is not what my duty is today.

Now if we want to turn then to the *Laws*, we would of course have to raise a much broader question concerning all Platonic writings, and that is the fact that Plato's writings are all dialogues, not treatises as Aristotle's *Politics*, for instance, is a treatise. One would have to raise the question: Why did Plato write dialogues and not treatises, and can one read dialogues in the way in which one reads treatises? That question we can answer in this course only by practice, not by a thematic discussion. The most striking fact at a first glance regarding the *Laws* is that it is the only Platonic dialogue in which Socrates is absent. In all other Platonic dialogues Socrates is present, either as the chief speaker or as a silent listener, as in some of them. Here Socrates is absent. Now there is a simple explanation of that. The dialogue, as you will see, takes place on the island of Crete—and Socrates was notorious for never having left Athens except when he was ordered to do so in his capacity as an Athenian soldier, and there was never an Athenian expedition to Crete in the crucial time. But of course that is, as you see immediately, a very poor explanation, because why did Plato locate this dialogue on Crete in the first place? That we have to understand. Now in the traditional order of the Platonic dialogues—you know they have come down to us in manuscripts and there is a certain order there which in this form does not stem from Plato, at least it is not certain that it stems from Plato. But still this order was made by people of much greater competence than we have.

Now in this order the *Laws* is preceded by a very small dialogue called *Minos*. Minos was thought to be the legislator of the Cretans, and Minos occurs in Plato's *Laws*[10] [itself]. Now the *Minos* was apparently thought to be an introduction to the *Laws*. Today the *Minos* is generally regarded as spurious, but that is an absolutely uninteresting consideration because no one *knows* that, and it has to be understood even if it was not written by Plato. Now the *Minos* is the traditional introduction to the *Laws*, and only in the *Minos* can we hope to get an explanation of why Plato located this dialogue in the island of Crete. So I suggest that we begin our discussion with an analysis of the *Minos* as if it were *in corpore vile*,[ii] as the Roman lawyers say, in a vile body[11] [on] which we can make an experiment which could not be tolerated[12] [on] a noble body. You know, say, guinea pigs, and not to say a slave, which is probably what the Roman lawyers thought of. Let us take then the *Minos*.

The *Minos* is accessible in the English translation in the Loeb Classical Library, in volume 8, the volume beginning with the *Charmides*. Now once we begin to discuss [it], we of course have to go into all kinds of details, some of which may seem to be unimportant and uninteresting. Therefore I would like to make it clear why it is a meaningful and not [an] antiquarian enterprise[13] [for us to] discuss the *Minos* at some length. I state therefore the general points which I have made before. If the character of present-day social science is not fundamentally satisfactory, it becomes necessary to understand an alternative to present-day social science, and the classic form of that alternative is Platonic and Aristotelian political science. There are good reasons for

[ii] *Fiat experimentum in corpore vili*: Let the experiment be made on a worthless body.

putting the emphasis on Aristotle; there are also very good reasons for putting the emphasis on Plato. That is not a question on this level of the argument. But if one wants to understand Plato's political science, one must study above all the *Laws*. Study means of course to study carefully, because otherwise we can [just] as well read Sabine's summary of the *Laws* and say that this is all there is to it. Is this sufficient? I mean this very seriously, although it may sound a bit light. I mean this very literally[14]. But is there any difficulty here? Any possibility of objection? I would like to dispose of that.

Student: I would like to ask a question about the course approach. Will it be primarily directed simply towards the understanding of the *Laws*, i.e., the exposition of the text and the understanding of what Plato meant, and that sort of thing, or else will it be an attempt to do that and also to compare it with more modern problems and points of view?

LS: I would say that if we, as people living in the middle of the twentieth century, try to understand Plato, we cannot help paying attention, regardless of [whether] explicitly or implicitly, to present-day views. You must not forget that there is a very large and deep gulf separating us from Plato, for good or ill. Plato doesn't breach the gulf for us; we have to do that. There are certain things which we do not understand to begin with, you know? And[15] we have to do certain things which Plato didn't do and which probably also the traditional interpreters, and maybe the present-day interpreters, do not do. But we have to do it. To give you a very simple example from an earlier course which you attended, Plato and Aristotle's political doctrines are concerned with the thing they call the polis. And they also speak of the *politeia*. You remember these terms? Now the translation for the polis is the city-state or the state; the translation for *politeia* is the constitution. And someone who reads only the English translation will say: Well, all right, that is what they are talking about; Plato and Aristotle are talking about the city-state and the constitution. But this gives an entirely wrong understanding of what Plato and Aristotle do. It is therefore necessary to learn some Greek, at least for someone like myself, and to explain then what precisely does this "polis" mean. I explained in this other course that it is much better not to translate in this way. I would always translate polis by city and wouldn't care about it: it would appear from the context that it doesn't mean the city of London, Threadneedle Street, and all this sort of thing. But for the understanding I would think it is much better to think of the country—[as] when people say "The country is in danger" or "Right or wrong, my country"—than of anything like "state" if one wants to understand what Plato and Aristotle are talking about. That is part of that "bridging the gulf" of which I spoke.

But the question concerns not only terms, although the difficulties are in a way concentrated in the terms, but also thoughts: you know, certain kinds of questions which to Plato and his contemporaries were obviously the most important questions which are no longer so evidently the most important questions. [Today] when you read[16] people (unfortunately not academic people most of the time, but somewhat marginal people, freelance writers or however they are called), what is for them the really grave question? I believe I am not wrong in saying culture. Something has gone wrong with culture, they say. I just read an article to this effect. And what is culture? I mean of course not what sociologists understand by popular and other culture, but they have a profounder

understanding of that, where you have genuine philosophy, genuine art, genuine religion, for example. This would be regarded by many people today as the question of utmost importance. For Plato and Aristotle the question was the question of the good polis. The term culture would not be translatable into their language. And the good polis would be characterized by the predominance within the polis of the good people,[17] [whoever] the good people may be. You know, you cannot immediately translate the thought of Plato and Aristotle into our present-day language, and least of all into our present-day academic language, because the ordinary man, the man with common sense, has a more direct access to earlier thought than the superscientific social scientist, you know. The super social scientist believes [himself] to be freer from all prejudices than the simple man in the street; in fact, he makes many more dubious presuppositions than the simple man in the street. Only the practice, only the doing of the thing as distinguished from the general methodological observations, can be of any help. Was this answer of any use?

Student: Yes, I think so.

LS: But you made one remark which is absolutely justified and which I must satisfy now before we can go on: that you see, if with a number of conditional clauses, the reasonableness of what we want to do. That is necessary. And, I repeat, these conditions are these: perhaps present-day positivistic social science is a problem; then we must understand Plato and Aristotle. This you will have to believe, please, on the basis of my longer experience:[18] Plato and Aristotle are *the* greatest authorities regarding the alternative. Then it is really a question of convenience whether we read Aristotle's *Politics* or Plato's *Laws*. That's all right. That makes sense?

Student: Yes.

LS: The only thing I say is this. If we want to understand Plato we cannot take it as something which doesn't require any effort on our part. It requires a very great effort. There is no reason to assume that this should be something which a high school boy would understand adequately at a first hearing. This is the tacit premise of many of the ordinary histories of political thought. That is unlikely, I would say, suppressing better knowledge that tells me it is impossible. So we have to do that. You can also state the question as follows. The *Minos* begins with a question raised by Socrates which I translate inadequately as follows: What is law?[iii] Now what about this question, is this a question the reasonableness of which we could admit even today?

Student: Yes.

LS: All right. So in other words, we are sure we deal here with a pertinent and, I think we could also add here, an important question.

Student: That is right. It is an important question.

[iii] *Minos* 313a.

LS: More we don't really need. The question thus is[19] whether Socrates' answer to that question or perhaps his analysis of the question is good. [And that we can only answer after we have studied it.] It may be very poor and despicable in the end. Then we were mistaken in making this adventure, but even that would not be wholly lost, because we would have learned not to touch Plato, [or] at least the *Minos*, again. You know, that happens even in positivistic studies. You know, they make quite a few studies which sound very promising to begin with and later on they prove to be very ill-conceived. I have been told that certain studies about the authoritarian personality, which were regarded ten years ago as a triumph of modern social science, are now regarded as something which had better not have been undertaken. So we mustn't be afraid of a failure, because you learn from that.

But after having read this first sentence, we notice one thing—at least if we have read any other Platonic dialogues—and that is that this is a very strange beginning for a Platonic dialogue, to begin abruptly with the question: What is? Let me mention this little point. I spoke before of the essential differences—that the key proposition of Plato and Aristotle is that there are essential differences. Now the essential differences presuppose something like essences. But we shouldn't be frightened by that word. The essence becomes clear to us, let us say, when we raise the question "What is?" For example: What is a dog? What is a lion? What is a body? What is a law? This question—What is?—is *the* Socratic question, universally prior to anything. While this question is raised in many dialogues—e.g., What is courage? What is justice?—Socrates never begins with that. Here in this dialogue we have this unusually abrupt beginning. Now it is particularly surprising if we consider another fact. There was a contemporary of Plato, Xenophon, who was also a direct pupil of Socrates. Now in Xenophon's works the question "What is law?" is also raised. I would like to say [that] the question "What is law?" in this form, in this explicit form, is never raised elsewhere in the Platonic dialogues. But in Xenophon's dialogues the question is raised by Alcibiades in a conversation with his guardian, Pericles—you know, Pericles, the great Athenian. And this raising the question of what law is is presented by Xenophon as a sign of the frivolity of Alcibiades. This question "What is law?," the answer to which reveals the whole mystery of law, can be raised by a man of considerable levity, as Alcibiades undoubtedly was.

Now here in the dialogue which has come down to us as a Platonic dialogue, Socrates himself abruptly begins the conversation with a nameless Athenian: "What is law?" [He just meets him in the marketplace, as it were],[20] and buttonholes him, and instead of asking him "How are you?" or "It's a nice day today, isn't it?" he says, "What is law?"—as if this were a subject which you could discuss without some preparation, and even the very question of which cannot be raised without a proper preparation. By the way, this is a dialogue only between Socrates and a single man, a single interlocutor, who is called "companion" in this translation. That is all right, although I would translate it by "comrade" in spite of the fact that the word comrade has today this obnoxious implication. It is not entirely alien to the Greek word because *hetairos*, while of course also meaning a friend, had a political connotation. The political clubs were called *hetaireia*, collections of comrades, and therefore I think that should not be forgotten. These clubs were oligarchic clubs, not democratic clubs. That is not unimportant. But

what about this abrupt beginning? In such cases one must[21] [ask], if one does not want to speculate aimlessly: Are there any parallels to that in the Platonic dialogues? And as a mater of fact there is a single parallel: another dialogue called *Hipparchus*. We have to consider that for a moment to understand that.

The *Hipparchus* also begins with Socrates raising abruptly a question. "What is loving of gain?" "What is greed?" you could almost say. These two dialogues, the *Minos* and the *Hipparchus,* are akin for the additional reason that they are the only dialogues with such nameless comrades. There are no other dialogues of this kind. Furthermore, these are the only dialogues—the *Minos* and the *Hipparchus*—whose titles designate individual human beings—Minos is a human being and Hipparchus is a human being—but human beings who are not characters in the dialogues. You see, when he calls a dialogue *Phaedrus*, Phaedrus is an interlocutor, and the *Gorgias*, Gorgias is in the dialogue. And then he has titles not indicating individuals, like *Republic*, [and] they indicate the subject matter, or *Symposium* and *Banquet*, and these indicate the occasion. But in no cases other than these two do you find proper names[22] in the titles, [names] of such individuals as are not characters in the dialogue but [rather the] subject matter of the conversation within the dialogue. So these two dialogues obviously belong together, and we must see what we can learn from that.

These two men, Minos and Hipparchus, were people dead long before Socrates' time. Minos was said to be the legislator of Crete, say a thousand years ago, and Hipparchus was the famous Athenian tyrant who was murdered about fifty or sixty years before Socrates was born. Now in both dialogues these themes, the Cretan legislator and the Athenian tyrant, are brought up by Socrates, and in both cases these famous men are highly praised by Socrates. I must say a few words about the *Hipparchus*. The man highly praised in the *Hipparchus* is Hipparchus, the son of Pisistratus, the famous Athenian tyrant. Both Hipparchus and his father were generally known as tyrants. Hipparchus had been murdered by Harmodius and Aristogeiton, who were magnified as liberators of Athens by the Athenian democracy. Socrates does not mention these things, but he praises Hipparchus most highly and he explicitly attacks the opinion of the many regarding the cause of Hipparchus' murder. In the *Hipparchus* Socrates attacks an Athenian myth regarding Hipparchus. The myth was that this was a love affair, and [that there was] some improper conduct on the part of Hipparchus. But Socrates says no, that Hipparchus was murdered by an accident and that he was really a very wise and respectable man. Similarly, in the *Minos* Socrates attacks an Athenian myth regarding Minos. To exaggerate a bit, in the *Hipparchus* Socrates vindicates an Athenian tyrant as a wise and good man.

Now this follows easily from the subject matter of this dialogue, which is love of gain or greed. Love of gain is generally regarded, today as well as in antiquity, as something bad or base. But Socrates proves the paradoxical thesis that love of gain is not bad or base, not to say that it is good or noble. Now the tyrant is the most successful lover of gain. It is clear; you can see this even today: for example, if Mr. Khruschev has any desire which can be satisfied only by money, he surely can satisfy it much better than not only we but even President Eisenhower [can]. So a tyrant is really the wealthiest man in the

community; he can dispose of the whole thing. Therefore, the most successful lover of gain is the tyrant. By vindicating the love of gain, which Socrates does, he vindicates in a sense tyranny. But this is not explicitly said in the *Hipparchus*. That Athenian tyrant is mentioned because a saying of Hipparchus' illuminates the conversational situation. The interlocutor there is afraid that Socrates might try to deceive him because Socrates made this strange assertion that love of gain is not bad. Thereupon Socrates quotes Hipparchus' saying: Do not deceive a friend. Hipparchus had erected statues or something like statues in Athens and around Athens and one inscription was "Do not deceive a friend." And on the other side of this pillar he said "Walk thinking just thoughts." In other words, lead a just life, you could say. But the interpretation of that is the other statement: A just man is a man who does not deceive friends. You see this is of course an ambiguous saying. It may mean that you may deceive a non-friend or an enemy, and then that would mean then, in the context, [that] justice consists of helping friends and hurting enemies. Does this ring any bells, this view of justice?

Student: It is a view advanced by one of the speakers in the *Republic*.

LS: Yes. Polemarchus. And there is even more to that; that has a longer, broader history, but let us leave it at that. So there is a view we know. We can also link it up with the issue [of] love of gain. Love of gain in the common sense is of course something linked up with deception. When we speak of a man who loves gain, we mean that he is a dishonest man. [23] But if love of gain is good or may be good, as Socrates contends, deception may be good for the same reason. But this much about the *Hipparchus*, and that only to indicate this is a very strange thing. While the subject of the *Hipparchus* may be said to be tyranny, the subject of the *Minos* is the opposite of tyranny, namely law, rule of law. The first sentence, to which I return, runs as follows (more literally translated): What is law for us? Not as the translator says: "Tell me what is law." He doesn't say "Tell me." It is much more abrupt: "What is law for us?" It is ambiguous, and it can mean "What is a law in our opinion?"—in other words, in our opinion: you[rs], Mr. X['s], and mine. But it can of course also mean more. That is the minimum extent: when you speak of you and I, the minimum is two. What is the maximum extent of "we"? All men, we thinking beings, we human beings. But there is a very interesting in-between. What is that?

Student: Some idea of the state, the polis in this case.

LS: We Athenians. That is it. And I believe the context would show that this "We Athenians" is the decisive meaning here. What is law in the opinion of the Athenians? Now clearly, what is law for us, the Athenians? The Athenian law. That is clear. But at the end of this conversation, which is very short—which probably has not taken more than one hour—the law in the highest sense proves to be the law of Minos, the Cretan law. And mind you, Minos was an enemy of Athens, as will be made very clear. Now if this is so, if the law par excellence is the law of Minos, an enemy of Athens, what light does it throw on the law of Athens? Well, that is really simple logic. *The* best law is the law of Minos. What follows from that regarding the Athenian law? Come now, it is really very simple; I believe that even in a grade school I would get an answer. Well, the

Athenian law is not the best law. It is subject to criticism. Now if we take the two dialogues together, in the *Hipparchus* we see an Athenian tyrant was good and wise, but a tyrant is an unsavory man and law is much better than the tyrant.[iv] Now let us therefore look at Athenian law. All right, let us then look at law. But then we would get not the Athenian law but a foreign law as the best law. Both dialogues are strangely dangerous, one could say. These are delicate subjects. Why then does Socrates take up this very delicate question in a conversation with nameless comrades?[v] —everyone with perfect frankness and without any irony or hesitation or what not. Now if we look at the other Platonic dialogues, I mean any other dialogue other than the *Apology*, we see that that is not true. Nowhere do we find in any Platonic dialogue Socrates engaged in a conversation[24] [in] the marketplace with anybody, with people who have no special aptitude for that. Whether Plato did it or whether a pupil did[25] is a question which we cannot decide and which we need not decide. There is a need for such dialogues in which Socrates buttonholes people in the marketplace without any preparation and addresses to them the most important questions—the question What is law? and the question What is love of gain? Because love of gain means of course also love of the good, as is made clear in the dialogue[26] the *Hipparchus*. And then we see immediately [what kind of troubles Socrates would have come into all the time] if he had done it habitually,[27] namely, in the first case by praising an Athenian tyrant to a complete stranger, and then praising foreign law and thus criticizing implicitly the Athenian law. So that seems to me to be the context in which one has to read the *Minos*.

Now let us turn to the text itself.

> [Socrates:] What is law for us?
> [Companion:] Which law, or what kind of law are you asking about, Socrates?
> [Soc.:] What does it mean? Does a law differ from a law in this very respect, namely, as far as its being a law is concerned? Consider what I happen to ask you. For I ask you as if I were asking you in addition, or higher up, what is gold: and if you would ask me higher up, in the same way, what kind of gold do I say, I believe you would not have raised the question properly. For gold does not differ from gold qua gold.[vi]

And therefore if I raise the question "What is gold?" I want to have the chemical formula of gold and not have a description of this particular gold found in California in a river, and so on. That is clear. That is an old story in all Platonic dialogues—that people do not understand the "what is" question and have to be introduced to that. But let us look at it a bit more closely. Socrates asks: What is law? The first reaction of the speaker is: Which

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[iv] Strauss discusses the relation between the Minos and the Hipparchus along similar lines in his essay "On the *Minos*," in Leo Strauss, *Liberalism Ancient and Modern* (Chicago: University of Chicago Press, 1968; reprint, Chicago: University of Chicago Press, 1995), 65-75. Additionally, he returns to the points he presumably made here at the beginning of session 2.

[vi] *Minos* 313a-b. Strauss's translation.

[vi] *Minos* 313a-b. Strauss's translation.

law? In other words, he assumes that there are many laws, and this many of course exists on various levels: [first], the one legal code consists of many legal provisions and secondly, there are many legal codes. So that is clear. This manyness, we shall see, is a problem. That is, in the perspective of this dialogue, *the* problem, i.e., that there are many laws, either as parts of a code or the manyness of codes. Socrates tries to deny that manyness; the interlocutor stresses it. Now the example which Socrates uses here in order to make clear the question is that of gold. The examples in Platonic dialogues are never chosen at random, and therefore one must raise the question [of] why the first example which occurs to him is that of gold. That illuminates the situation. What does every child know about gold?

Student: It is valuable.

LS: Precious. And what about the proposition that law is precious, is that a strange assertion? It is what every decent man would say, generally speaking, prior to deeper observations regarding this particular law. So that is clear. Now then he goes on: "if I were asking you higher up, as I say, gold . . . I believe you would not have asked properly, for neither gold differs from gold nor stone from stone as far as its being stone and gold is concerned."[vii]

Now, you see, he introduces another example [or] illustration, stones. What is the relation of gold and stone?

Student: Stone is very common and base.

LS: Stone is at the opposite pole, you can say. If you take a stone and try to sell it in a pawn shop, you will see the difference immediately. But on the other hand?

Student: Both are part of the same genus.

LS: That is indicated here by the fact that their position is changed. You noticed that? "Gold does not differ from gold nor stone from stone regarding being stone." In other words, these reflections on when and how we use such things are in the case of a writer like Plato, although he is not the only one of this kind, fully developed. This rhetoric, this knowledge of how we speak, is fully explicit in the minds of writers like Plato so that he can apply it properly. Now there is of course a great variety of such cases. But we can say there is a certain emotional character when we use that word. For example, the other may be particularly dense, and we try to awaken him out of his sleep by saying, "Look," and then we call his name. But there are also other cases, and they cannot be decisive. There are cases in Platonic dialogues when one has the distinct impression that the fellow is begging for mercy because he is squeezed, and then he says, "Socrates." But it can also have the awakening effect. [Later], we will get[28] clearer examples of that.

[vii] *Minos* 313a-b. The ellipses presumably indicate that Strauss omitted a portion of the passage.

Now then, in the immediate sequel, where we stopped, Socrates refutes the first definition:[viii] "Does speech also seem to be the said, or sight the seen thing, or hearing the heard thing? Or is speech something different from the spoken thing, and sight something different from the seen things, and hearing something different from the heard things;, and hence also law something different from the things established by law? Does it seem to be in this case, or how?"[ix]—"how" meaning, if you don't agree with me. And the interlocutor says: "It has now come to sight to me as something different."[x]

Now unfortunately, these things cannot be very well translated into English and therefore I must explain. Now the Greek word for law is *nomos*, and the interlocutor had said that *nomos* is equal to *nomizomena*, i.e., customs or usages. And now Socrates seems to make or to use an argument of a purely verbal nature. He says: Let us look at something else; *logos*, speech, is equal to *legomena*, the spoken things. Now it will be easier for me to say this in English: sight, seen things; hearing, heard things. Now what is the difference between sight and seen things? Because *nomos* (law) is now coming to sight as something akin to sight, and not things seen. The first suggestion was [that] law is something inanimate, a product, in itself lifeless. Now by this seemingly verbal consideration, it is suggested that law is akin [to], or [is] of the same kind as acts of the mind, e.g., seeing, hearing, speaking—because speaking does not mean of course giving sounds, meaningless sounds, but rational speech. Now this is then the first counterthesis of Socrates: Law is not a mere object of the mind or a product of the mind; law is an act of the mind. You see, you must always distinguish in the Platonic dialogue everything between the arguments by which Socrates influences a speaker and the thought which he is trying to convey. The arguments are sometimes of a fantastically sophistical character, but what he is driving at is always very important. And this, what I call[29] exaggeration, the sophistic argument, is simply an attempt to use a kind of shorthand. The argument is not a strict argument, but what he is driving at is always worthwhile. Now let us consider the thesis. We say that law is something lifeless. We know that. That is a view which arises which is intelligible to every man who has given any thought to law. What about the alternative proposition which is now made, that law is not lifeless but living, and living by virtue of the fact that it consists in acts of the mind? Have you ever heard this, or does it make sense to you without ever having heard it before? How does a law live?

Student: Only in the sense that it is creative or created.

LS: Yes, but one doesn't even have to go so far. For example, the law lives in the acts of the judges. Now this act of the judge is in every case a mental act, even if it consists only of subsuming this particular case under a legal rule. This subsumption, this recognition that it falls under the rule, is a mental act. That is the life of the law on the lowest level. You are quite right that the question of the legislator is even more important; we come to that.

[viii] The "first definition" is given in the Loeb edition as follows: "Well, what else should law be, Socrates, but things loyally accepted?" 313a.
[ix] *Minos* 313b-c.
[x] *Minos* 313c.

Student: But also you could say in this case it is a living thing because it is custom, and custom is also something living.

LS: But that is not clear. You see, you must not start from any romantic notions. Custom as custom is merely something which happens. That requires a long reflection to show that it is living. If this word custom creates a difficulty, think of rule: a rule could be a mere object of your thought. But the point here is that the law is not an object of thought as the rule is, but it is an act of the mind. Do you see the difference, that a mathematical law is as such not an act of the mind but an object of the mind? Here the attempt is made to understand the law as an act of the mind. We must see. *Nomos* and act of the mind. Which kind of act? Now I draw your attention to another thing. He gives here three examples. The examples are speech, sight, and hearing. Now it is a general rule in Plato, which I know only from practice (in other words, not from an explicit statement), that whenever we find an enumeration, what is in the center is most important—most important not absolutely but in the context. Now here we have sight in the center. We must see whether law does not have something to do with sight in particular; whether this will come out we must see. At any rate, again we see here [that] *nomos* is one. The act of the mind in all these cases is singular. You see again this repetition of the problem of the one and the many, which we now cannot yet interpret.

Now the first definition is disposed of. The interlocutor has seen immediately that law is more akin to sight than to things seen. Whether he is wise in admitting that is not yet settled. Perhaps we would raise all kinds of objections that law is really not an act of the mind. But he is satisfied by this simple verbal similarity between *nomos*, *logos* and so on[30] [and] these passive expressions, things believed in, things seen, and so on.

Student: The relation between the seen things and seeing, the heard things and hearing, is unambiguous in Greek. That is very ambiguous, of course, in *nomos*, *logos* and so on. But it seems to be somehow halfway between the two, this *legomena*, to me. This logos and *legomena* do not seem to be as clear a case as the others. I wonder if you have something to say about that.

LS: No, no. The clearest case is doubtlessly that of the sense perception here, because *logos*, [the Greek word here for speech, also means for example, proportion].[31] In other words, something which in itself is an object rather than a subject.

Student: Well, psychologically speaking, it here seems to provide a sort of link between the *nomos* and the other, but I thought there might be some other parallelism.

LS: Does anyone have it here so that he might read the next speech? That way we can make better headway.

Reader: [xi]

> [Soc.:][xii] What then would law be?[xiii] Let us consider it in this way. Suppose someone had asked us about what was stated just now: Since you say it is by sight that things seen are seen, what is this sight whereby they are seen? Our answer to him would have been: That sensation which shows objects by means of the eyes. And if he had asked us again: Well then, since it is by hearing that things heard are heard, what is hearing? Our answer to him would have been: That sensation which shows us sounds by means of the ears. In the same way then, suppose he should also ask us: Since it is by law that loyally accepted things [*ta nomizomena*] are so accepted [*nomizetai*], what is this law whereby they are so accepted? Is it some sensation or showing, as when things learnt are learnt [*manthanetai*] by knowledge [*episteme*] showing them, or some discovery, as when things discovered are discovered [*eurisketai*]—for instance, the causes of health and sickness by medicine, or the designs of the gods, as the prophets say, by prophecy for art [*technē*] is surely our discovery of things, is it not? (313e-14b)

LS: I mention in passing that when he speaks of these two arts here, medicine and soothsaying, you see that he says in the case of the soothsayer: "as the soothsayers assert." He doesn't say in the case of the physicians that the physicians assert. That is a problem, whether the art of soothsaying is a genuine art. But this I mention only in passing. But you see here at the beginning that Socrates does something[32] which he does frequently, namely, that he makes a dialogue within a dialogue. He says: If someone would ask the two of us, then we would answer that and that. This is a dialogue within the dialogue. Why does he do it? What is the use of this device?

Student: It takes the pressure off the interlocutor. If he is beginning to feel the weight, it eases him.

LS: In other words, Socrates presents himself as being in the same boat with the interlocutor. They are together; they are allies. And they are both the people asked. But who is the asker?

Student: Socrates.

[xi] Following Strauss's longstanding practice, a designated student served as reader throughout the course. The student read from the Loeb edition, and Greek terms were interjected by Strauss.

[xii] The transcript does not record the readers reading aloud the interlocutors' names before giving the content of their speech (presumably, reading them aloud would have been unnecessary, as these were available in the written text which was before them). The editors have inserted the interlocutors' names (as these are given in the Loeb, i.e., "[Soc.:]", "[Com.:]", etc.) for clarity.

[xiii] In the Loeb: "Now what can law be?"

LS: Again Socrates. So it is really ironical, clearly. An act of humanity. That is to say, an act of humanity is an act of irony. Never forget that. I mean this quite seriously.

Student: But it also allows him to make a conclusion here which would otherwise perhaps never have been made.

LS: He can make suggestions, surely. But it is a remarkable device which always strikes our attention. Now here I must skip quite a few things. But you see, here Socrates takes up two of the examples mentioned before, i.e., sight and hearing. Sight and hearing have in common that they are sense perceptions, sense perceptions through the eyes and the ears respectively. What do we see through the eyes? *Pragmata*, things. *Pragma* corresponds to the Latin word *res*, which means things to be handled. It does not mean beings. The Greeks have a different word for being, and in Latin they have an unofficial word for that, *ens,* later on. But what about the ear? What does sense perception through the ear make manifest to us? Things?

Student: Sounds.

LS: Sounds. That is also worthy of reflection: that our perception of things is visual perception, not through the ears. The thing as thing is an object of the eye rather than the ear. Now what about the third possibility which he mentioned before, speech or *logos*. This, as you see here, is divided by Socrates into two possibilities. Learning, *manthanein*, from which the word mathematics is derived, and let us say science. We know now that law is a mental act. But is it an act of sense perception, or is it an act of science, or is it an act of art? Now art means of course never what it means now: capital A, you know, fine art. Art means a productive skill, e.g., [that of the] shoemaker, [the] carpenter, and of course also the poets, but not they particularly. Now what would you say, by the way, if you were confronted by this proposition: law is a mental act, but there are three kinds of mental acts which we consider, i.e., sense perception, science, and art? What would you say? To specify this, he coordinates two things: art, and invention or discovery. Invention, we could perhaps say; I believe that no one would say it is sense perception. So the question would be: Is it like science, that is to say, theoretical, theoretical knowledge, or is it productive knowledge, productive practical knowledge? That is the question. We will see this question goes through the rest of the dialogue, and not for bad reasons. Let us reflect for one moment why this is really a difficult question: What kind of knowledge is implied in, or is the essence of, law?

Student: Doesn't the word for discovery also mean invention?

LS: Yes, it means both. Now let us look at this. If you have a law here, some law, say the present tax law with the exemptions and what not. Is this law in existence prior to human activity, prior to human production? I believe it is safe to say that it is a product of human production. And from this point of view law would be akin to the products of arts. So like the shoemaker produces shoes, the lawmaker produces laws.

Student: I was wondering: in the first case laws were treated as inanimate, and then came to transfer to animate. And in this first discussion of lawmakers he discussed physicians and seers. This would presumably correspond with the earlier treatment of laws as inanimate, and then a later development corresponding to the animate things, but here it corresponds not to the artist but to the product of the art.

LS: Yes, that is the difficulty. But all right, I will try to avoid it—although I do not know whether I can—that law is a mental act and not a product. Now is the mental act which is the essence of the law an art of production or an art of mental perceptions? Now I can answer your question with this simple means of Socrates: the law produces *nomizomena*. So just as the pills of the physician, the things which are said to make people well, correspond to the customs or usages, and the act which produces it is called law, just as in the other case it is called the medical art. That is the simple way of disposing of that difficulty. I should have avoided the word law; let us say legal provision in order to get some verbal clarity. Legal provisions are made by an art, by a human art called law. That makes sense. But what about the proposition that law, the art which produces legal provisions, must have the character of a theoretical science and cannot be understood as an analogon to the cobbler, carpenter, etc. What about that proposition?

Student: Doesn't it mean that it would have to have objects that do not change?

LS: Just as the foot of man changes, of course, but doesn't change so considerably that if a good shoemaker makes a pair of shoes they can last in the case of a grown-up man for a very long time, there can also be a legal provision which can last for one or two decades, or maybe even for a century, but no legal provision can last forever. I see no difficulty here.

Student: You mean to say that there are laws in every society?

LS: But understood to be changeable.

Student: Is the difference between the discovery that goes with art and what we learn from science clarified here?

LS: The ambiguity here is deliberate, and I would have to anticipate other developments in order to discuss it. For this reason, I don't want to go into that. I simplified it by simply putting down art as production and science as purely cognitive, not practical. But the question is this: You referred to the question of change and unchangeability. Now let me say this again in advance of any further discussion. The question of the changeability of laws plays a very great role. We see that almost immediately. And for certain reasons, Socrates embarks on a quest for unchangeable laws, if I may exaggerate it a bit. But the very strange thing is that there is not any reference or allusion to something which every one of us would think today if the question of unchangeable laws would come up. And what is that?

Student: The ancestral laws.

LS: Yes, that is meant to be but that is only a delusion.

Student: Natural law.

LS: Natural law. There is not an allusion to that. So natural law is out of the question for some reasons which we will later discuss. But precisely because there is no reference to natural law, the question of science becomes so important, namely this: If a legislator wants to establish a legal provision and if it is to be good, he must know the situation; he must know the end for which he lays down the law. But for a legal code and for a broader legislative purpose, he must know much more than the present situation. To reduce it to a simple proposition: He must know the nature of man. He must know what[33] the end of man [is]. Now is the nature of man and the end of man the object of an art or of a science? What would you say?

Student: It seems to me that in one sense it is the object of a science.

LS: Surely, in one sense. I don't need more now, because this makes it clear that a deeper understanding of law and even a deeper legislative art is bound to be more than a practical science. It must go into the field of what is traditionally called metaphysics, but we may use here the tentative and provisional term, a theoretical science. Therefore it is legitimately a problem whether law as a mental act, if we use this somewhat funny terminology, can be understood as an art or must be understood as a science. This subject will come up in the sequel.

Now let us consider the context before we go on. Up to now we have seen that the understanding of the law as mere customs or usages, i.e., of inanimate things, is impossible. And Socrates suggested the analogy of sight, hearing, art, and science for the understanding of what *nomos* is. The interlocutor has understood him up to that point. How does Socrates go on from here? Let us read that.

Reader:

> [Soc.:] Then what thing especially of this sort shall we surmise law to be?
> [Com.:] Our resolutions and decrees, I imagine: for how else can one describe law? So that apparently the whole thing, law, as you put it in your question, is a city's resolution. (314b-c)

LS: Let us stop here one moment. Now that is the second definition. He has forgotten about the first, and says a law is a resolution, let us say, [a] resolution of the polis. Now what about this definition? Well, what do they say today about law? We do not have to go into the difference in a complicated federal state between federal, state, and municipal laws.

Student: I'm not sure, but to the question you ask, I would say that they answer today that it is an act of Congress.

LS: Yes, but ultimately an act of the political community, because the Congress has a delegated power. So the law is the decision of the political community, we can say. Now this is of course empirically always demonstrable, because even if you take an absolute monarch as the lawgiver, he is the legislator of the political community. It is the most obviously empirical definition. We will see later on that Socrates will leave this definition, which is the second, and lead up to a third. And then we are through. This will be criticized, and on very important grounds, but nevertheless it is the central definition, which means that this definition has much in its favor. It is a very problematic definition, but it has[34] great empirical evidence, obviously. Now Socrates immediately [makes][35] a change. You see, the interlocutor is not dumb. He sees immediately the difficulty of saying the law[36]—or the legal provision, let me say—is the product of an art like the shoemaker's art or is the object of a science, because he knows how laws are made: by non-technical men in a non-technical assembly, going together and deciding by vote. And there is opinion involved, of course, but of any science or art it is at least dubious. As to dogma, we must not forget that this is derived from the Greek word *dokein*, from which *doxa*, opinion, is derived. Dogma is a word which you know, for example, from church history. It means originally what has been decided by the citizen body. Socrates goes on to say immediately, and here you see a very great step.

> [Soc.:] It seems you call the law a political opinion.
> [Com.:] I do indeed.[xiv] (314c)

Now you see a very grave step. What is the difference between saying [that] law is a political opinion and saying [that] law is a decision of the polis?

Student: Well, the step seems to be that you are making the decisions of the polis opinion.

LS: In other words, the cognitive element is more clearly stated by calling it an opinion than by calling it a decision. But there is another point which is equally important: a political opinion.

Student: A political opinion isn't binding on others but a law is. I don't see how—

LS: Surely that comes out, but even merely grammatically, first you have the decision of the polis and now you have a political opinion. Who is now the opiner? In the first case we know who is the decreer: the polis. But who is the opiner in the case of a political opinion? The polis? I mean, if law is a political opinion, whose opinion? Decree of the polis, whose decree? The polis's, that is perfectly clear. But who opines here?

Student: The lawgivers or the lawmakers.

LS: But certainly not necessarily the polis. This is safe to say. If you say political opinion, you describe as much the subject matter of the opinion—that on which you

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[xiv] Strauss's translation.

opine—as [you do] the subject, the opiner. Now that is an absolutely crucial step. That appears very irrational to Socrates. With what right is the polis entitled to make laws? And we have first to look at the polis very closely and see whether it has a right to that. This whole question is [inaudible]. I tell you how he will proceed. He will keep in mind this suggestion regarding art and science, and he will lead up to the suggestion that the only law which deserves to be called a law is made by an expert, by a man of knowledge or art. And whether the polis is a body of men of knowledge or art is absolutely uncertain. And with what right then can the polis make any assertions. That is what he is driving at. But the first step he[37] [takes] is that he omits the genitive,[38] ["of the polis," in] "an act of the polis," [xv] and does not tell us but leaves it a question: Whose act is the law? It is not necessarily an act of the polis, he claims, which to begin with is a wholly atrocious and most subversive assertion, and we must see later on whether he has any reasons for saying that.

The time is now up so I will only mention the next big step in the argument, and that is this: The second definition, which is empirically the only decent definition you can give of a law, is open to a very great difficulty. And here we remember our first example, gold. People say not only that a law is the decision of the polis, they also say law is something respectable—something noble, as the Greeks would say—something precious like gold. And Socrates says these two trivial, commonplace assertions regarding law contradict each other. A decision of the polis is not as such respectable, and also a respectable opinion is not as such the opinion of the polis. Therefore we have to make a choice. Either we abandon the respectability of law, and then we can remain legal positivists and say that law is the decision of the polis, or we stick to the respectability of law, and then we have to abandon the empirical definition of law, and have to go beyond the empirical laws and find a rational criterion which allows us to distinguish between respectable and despicable laws. And that is the next step; therefore Socrates is led to a definition of law which, provisionally stated, is this: Law is knowledge. And then there is a certain difficulty: knowledge of what? Is it knowledge of the whole or is it knowledge of certain things like the affairs of the polis? That will play a great role later on. But the difficulty which makes it necessary to go beyond the legal positivistic view is the claim raised by law that it is something which demands respect and is not merely meant to be rammed down people's throats. And thus the mere fact that a law is based on a decision of the polis does not yet make it a law. This is the difficulty.

To indicate the structure of the argument, we have seen the first two definitions, the third definition will be [that] law is knowledge, with this ambiguity: Is it knowledge of the whole or is it knowledge of a certain subject matter, say, the polis? And the third definition is the last word of Socrates, and of course terrible difficulties arise. And Socrates has to defend that definition. That is the second large part of the dialogue, of this very short dialogue, and then after that, after Socrates has made it sure that this definition stands, then the question arises: But where do we find that law which is knowledge? Surely not in Athens. And what can a sensible man say? Well, only a god can have given

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[xv] In other words (those of the Loeb translation), "political opinion" does away with the genitive "of a city" in "resolution of a city."

such a law or, more specifically in this case, someone generated and trained by the highest god. There is only one individual who meets this specification, and that is our old friend Minos. Therefore, Minos's law is the only law which can possibly demand our respect. Another difficulty arises here because Minos had a very bad press in Athens, and Socrates has to show that this was due to the folly of the Athenians and not to the alleged injustice of Minos, and this is the end of the dialogue. Now after we are through with that dialogue we will of course, as sensible people, buy immediately an airplane ticket for Crete and look at the laws of Minos. And that is what in fact some Athenian, perhaps this anonymous comrade, perhaps someone else, is doing in order to see that. And then we must see of course whether these laws in Crete are so good, and that we will see in the *Laws*.

[end of session]

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[1] Deleted "and."
[2] Deleted "it." Moved "would be imaginable."
[3] Moved "therefore."
[4] Deleted "on."
[5] Deleted "Now."
[6] Deleted "The."
[7] Deleted "the."
[8] Deleted "in."
[9] Deleted "this is."
[10] Deleted "themselves."
[11] Deleted "in."
[12] Deleted "in."
[13] Deleted "if we."
[14] Deleted "what I said."
[15] Deleted "where."
[16] Moved "today."
[17] Deleted "whatever."
[18] Deleted "that."
[19] Moved "And that we can only answer after we have studied it."
[20] Changed from "Just as it were he meets him in the marketplace."
[21] Deleted "say."
[22] Deleted "of individuals."
[23] Deleted "now."
[24] Deleted "on."
[25] Deleted "it."
[26] Deleted "in."
[27] Changed from "And then we see immediately that if Socrates would have habitually done it and all the time into what kind of troubles he would have come."
[28] Moved "later."
[29] Deleted "for."
[30] Deleted "compared with."
[31] Changed from "because logos as here the Greek word for speech means, for example, also proportion."
[32] Deleted "here."
[33] Moved "is."
[34] Deleted "a."
[35] Deleted "now." Moved "immediately."
[36] Deleted "is."
[37] Deleted "does."

[38] Deleted “an.”

Session 2: January 8, 1959

Leo Strauss: [in progress] —a point which I made was not clear, as Mr. Dennis observed quite rightly. When speaking of present-day social science, I said there are two premises characteristic of it: (1) the distinction between facts and values, and (2) the reduction of the political to the subpolitical, i.e., the sociological or the psychological. These are undeniable facts. But I raised the question as to the connection between these two principles, and this is where the trouble started. Now what I tried to say was this:[1] the fact/value distinction does not imply as such the necessity to reduce the political to the nonpolitical. I didn't say more than that. In other words, there might be specifically political values which are irreducible to the nonpolitical, and[2] these political values might be the starting point, the necessary starting point, for any analysis of the political. In other words, I never thought of denying that there are nonpolitical values. This I think should not be agreeable. Then I gave some reasons why there is a possible problem in the present-day notions of the social sciences, and therefore an incentive to study Plato and/or Aristotle. And for certain reasons we plan to discuss in this semester Plato's *Laws*, which is Plato's political work par excellence.

The *Laws* confronts us immediately with a difficulty because it is the only Platonic dialogue in which Socrates does not appear, not even as a silent listener. This can be explained provisionally by the fact that the conversation on law takes place on the island of Crete. But this is of course not a sufficient answer, because then the question arises immediately: Why was the conversation located by Plato on Crete and not in Athens? And we get an answer to this question in the short dialogue *Minos*, which we are discussing before we turn to the *Laws*. Now this dialogue, *Minos*, which is today generally regarded as spurious, that is to say, as not written by Plato—but surely by a man familiar with Plato, with Plato's work, with Plato's thought, a man who more than any man today knew about Plato—is still very valuable to us from every point of view. Now the difficulty in this dialogue is that it begins very abruptly and in a quite unusual way, with Socrates buttonholing a nameless acquaintance, comrade, with the question "What is law?"[i] To solve this difficulty I suggested that we consider the only other Platonic dialogue which begins in the same way and which has the same character, namely, a discussion between Socrates and a nameless comrade beginning abruptly with Socrates addressing this fellow with the question "What is?"[ii] And this other dialogue is the *Hipparchus*. Now these two dialogues, the *Hipparchus* and the *Minos*, have something very important in common apart from these external things, namely, the *Hipparchus* leads up to the praise of an Athenian tyrant, [while] the *Minos* leads up to the praise of a non-Athenian lawgiver. In both cases, Athenian law is the victim, so to speak. Now there is however this difference, which I mention in passing: that the praise of the tyrant in the *Hipparchus* occurs in the middle of the dialogue, whereas in the *Minos* the praise of the foreign lawgiver occurs at the end, so that the praise of Minos is more visible at the first glance than the praise of the tyrant in the *Hipparchus*.

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[i] *Minos* 313a.
[ii] *Hipparchus* 225a.

This much as an introduction. I remind you now only briefly of the points which we discussed last time. There is a first definition of law given, according to which law is the usages: law is many, and the usages are something lifeless, inanimate. We have discussed that. Socrates induces the interlocutor—by one question, really—to admit that law is not in any way a product of mental acts but a mental act itself, something like a sense perception or reason. But more specifically, since it is not sense perception, it must be an act of reason. And here the question arises right away: Is it a science or is it an art? (An art in the Greek sense of the word and not fine art.) This suggestion of Socrates leads to the second definition of law in the dialogue according to which it is a decree of the city or, as Socrates says, a political opinion, because opinions are of course also acts of reason. I think we had reached this point, and we should now continue in the Loeb edition at page 392.

Reader:

> [Soc.:] A state opinion (or a political opinion),[iii] it seems, is what you call law.
> [Com.:] I do.
> [Soc.:] And perhaps you are right: but I fancy we shall get a better knowledge in this way. You call some men wise?
> [Com.:] I do.
> [Soc.:] And the wise are wise by wisdom?
> [Com.:] Yes.
> [Soc.:] And again, the just are just by justice?
> [Com.:] Certainly.
> [Soc.:] And so the law-abiding are law-abiding by law?
> [Com.:] Yes.
> [Soc.:] And the lawless are lawless by lawlessness?
> [Com.:] Yes.
> [Soc.:] And the law-abiding are just?
> [Com.:] Yes.
> [Soc.:] And the lawless are unjust?
> [Com.:] Unjust. (314c-d)

LS: Let us stop here for a moment. Now what do we see here? This is leading up to something, but we must not forget where the starting point is. The starting point is the provisional suggestion, i.e., Socrates says: "Perhaps you speak right" or, to be a bit more precise, "Perhaps you speak finely or nobly"[iv] (which is not exactly the same as truly, but these subtleties we can leave for a moment). But now in order to find out whether it is truly right, Socrates raises this simple question: What do we learn from the text read to this point?

Student: Wisdom drops out, doesn't it?

[iii] In the Loeb: "state opinion" ("or a political opinion" must have been the reader's insertion, in line with LS's previous remarks on the translation).
[iv] *Minos* 314d.

LS: This is true, but too general. Law is apparently identical with justice, as you see, because the lawful are just; the lawless are unjust. Men are made lawful by law and they are made just by justice, and it follows that law and justice are identical. But justice and wisdom are not identical; that is also implied. We must keep this in mind. Now how does he go on?

Reader:

> [Soc.:] And justice and law are most noble?
> [Com.:] That is so.
> [Soc.:] And injustice and lawlessness most base?
> [Com.:] Yes.
> [Soc.:] And the former preserve cities and everything else, while the latter destroy and overturn them?
> [Com.:] Yes.
> [Soc.:] Hence we must regard law as something noble, and seek after it as a good.
> [Com.:] Undeniably. (314d)

LS: You see, [we must regard law] as something noble and we must seek it as a good. It is something noble because it is most noble, as he says, and[3] good because it preserves the city and everything else. This distinction between the good and noble is not so familiar to us today, and therefore it must be briefly explained. What we call morality is called by the Greeks (they do not have a single word for that) the noble things and the just things; they together constitute what we call morality. You can of course also say the noble things are just things, the just things are noble—that is clear—but primarily they are distinguished. The just we can compare to what we call matters of duty, and the noble are things which are in a way above and beyond duty, which deserve particular praise. A simple example: to pay one's debts is just, but clearly not noble. I mean, it is too little for that. Other things are noble and yet one would not call them just, because they are not required by justice. Now the good as good does not in itself have a moral meaning. For example, you speak also of what is good for the body, good for a horse, and good for a dog, and also good for men. The question which is answered in the affirmative by Socrates (but not by all Greeks, of course) is that the good for men comprises the moral, the noble and the just, but[4] [they are] not simply identical; the point of view is different. Good does not in itself have this moral meaning. Now here we see the distinction clearly. Justice is something noble, i.e., something to be praised, respected, highly regarded. And on the other hand, it is something good because it preserves the city. Good has also the utilitarian implication which is completely absent from the noble and the just. But [as to] the point which we get from the discussion here, one thing is understood: whatever law may mean, it must be something good and noble. It must be something good and noble because that is what we mean by law. And if a definition does not bring out this point, it is an inadequate definition. Continue.

Reader:

> [Soc.:] And we said that law is a city's resolution?
> [Com.:] So we did.

> [Soc.:] Well now, are not some resolutions good, and others evil?
> [Com.:] Yes, to be sure. (314d-e)

LS: I see one can hardly translate this differently, although the words used are not the simple words for good and evil. [The one, *chrēston*] means something like useful, and it can also take on easily a moral meaning—honest, respectable and so on. And the other [*ponēros*] means primarily something toilsome, and therefore bad. Let us leave it at this somewhat simplistic translation: good and bad.

Reader:

> [Soc.:] And, you know, law was not evil.
> [Com.:] No, indeed.
> [Soc.:] So it is not right to reply, in such downright fasion, that law is a city's resolution.
> [Com.:] I agree that it is not.
> [Soc.:] An evil resolution, you see, cannot properly be a law.
> [Com.:] No, to be sure. (314e)

LS: Do you understand this simple argument? The definition was: Law is the decree of the city. How has this definition been refuted by one simple consideration?

Student: The decree of the city is not always good.

LS: Yes. And law must be good. That is what he is saying. Taking an entirely impartial view of the situation, could one not also take the other line, namely, that we have here two incompatible definitions, i.e., (1) law, the decree of the city, (2) law, good. Now these are incompatible because the decree of the city is as such not good. And on the other hand, a good—say, a good order—does not as such have to do with the good order of a city. What Socrates suggests is that we delete that [LS writes on the blackboard] but we could as well do this [LS writes on the blackboard] and stick to our positivistic definition, i.e.,[5] say that we do not care about good or bad but only concern ourselves with what is the decree of the city. That happens everywhere in the Platonic dialogues. We come up against a contradiction, in other words, a case where "a is b," and "a is different from b," are equally evident. But they cannot be equally evident, and what do you do? You have to drop one of them. Now as a rule Socrates never gives a reason why he drops the proposition which he drops; that we have to find out for ourselves. And we have to see whether Socrates maybe made the wrong choice: perhaps he should have dropped the other thing. These are the things which are not said, the conversation proceeds much too fast for that. We have much more time. That is the good quality of books, as you know, as distinguished from speeches: you can always read again, but you cannot hear again. Even this kind of thing [LS points at the tape recorder] is no help for that, although for other reasons. You cannot hear again the speech, but you can read again and again a book.

Now Socrates just picks that—law is good and noble—and the important point is this: Socrates has his reasons. These are difficult to fathom because Socrates was a profound

man. But the interlocutor, who is a more simple man, why did *he* choose it? Why does he admit it without any difficulty? Some of you would have acted like him; others would have said "No!" They would have asked why should he do that; [they would have said] that it was simply a popular prejudice.

Student: Well, the interlocutor possibly knows of some bad laws of the city, laws that he doesn't agree with. And therefore he would prefer the other definition.

LS: I see. He is in this sense a citizen. But we must see how far this is correct.

Student: Isn't the reason that he has admitted it, because he had earlier agreed to the definition of law in terms of goodness, in terms of justice and goodness as associated [with one another]? To be consistent . . . .

LS: You are quite right. In other words, he had admitted explicitly the principle that law is something respectable, noble and good. And then he could not well drop it now. That is true. Now let us see how we go on from here.

Reader:

> [Soc.:] But still, I am quite clear myself that law is some sort of opinion; and since it is not evil opinion, is it not manifest by this time that it is good opinion, granting that law is opinion?
> [Com.:] Yes. (314e)

LS: Now for those who can follow the Greek, I mention that here in this sentence *kata* as a part of a word occurs: *kata*, downward. It is a kind of downward look. These are the things which Plato frequently uses in order to indicate the character of the subject matter. Law is not a very high subject, as it will appear later. But this only in passing.

Reader:

> [Soc.:] But what is good opinion? Is it not true opinion?
> [Com.:] Yes. (314e-15a)

LS: This is, of course, a very great step. An opinion could be good, meaning valuable, without being a true opinion. That is by no means evident. But in a way Socrates is of course precise and says [that] opinion as opinion, as [a] purely cognitive thing, is primarily concerned with truth or untruth. Continue.

Reader: [Soc.:] "And true opinion is discovery of reality?" (315a)

LS: "Reality" is of course impossible; "of being," of what is.

Reader: [Com.:] "Yes it is." (315a)

LS: Now let us stop here for one moment. You remember the passage where he made a distinction between science and law (page 390, 314a-b). And the term which he uses now

here,[6] *exeuresis tou ontos*, finding out of what is, really combines the two characters of science and art. So the question is here completely undecided: science or art? Let us keep this in mind. At any rate, let us read the next Socratic remark, and then we are through with the third and last definition of law.

Reader: [Soc.:] "So law tends to be discovery of reality." (315a)

LS: "Wishes to be," more literally translated. Law wishes to be discovery of being. That is the final definition of law given here. The rest is a defense of that definition. You see that Socrates changes here the apparent result of this discussion. Did you notice that? What does he do? Compare the two sentences and you have it.

Student: Here he says law wishes to be, and before he had said law is.

LS: Yes. So you see, Socrates, without giving any reason, takes a precautionary measure. Because if it were simply said that law is true opinion of being, it would be manifestly absurd, and therefore he says it wishes to be. If you look at any given law, Socrates says, it is not necessarily true opinion but it wishes to be. Law as law is necessarily to be judged in terms of goodness or badness, in terms of its end. A law cannot be understood except in terms of its end. Since it cannot be *understood* except in terms of its end, it must be judged in terms of goodness or badness. A neutral treatment of law is altogether impossible.

Student: When he used the word "discovery" here, you suggested that he preserved the ambiguity between science and art, but didn't he use that word earlier precisely to describe art?

LS: Yes, but in the first place there is a little change. He spoke of *euresis*, if I may use the Greek term, and here he speaks of *exeuresis*, which is a slight change. I could not explain it, but it indicates a change. And secondly, when he spoke of the arts he used the Greek term *pragma*, which corresponds to the Latin word *res*. Now here he speaks of *on*, which he used formerly when he spoke of science. It is clear that the distinction between science and art is completely blurred here, and of course deliberately, because we don't know that yet. But let us think for one moment about this fantastic assertion, i.e., the law wishes to be discovery of being. What does it mean in plain English? What is law? How do we call that pursuit which tries to discover being as being?

Student: Metaphysics.

LS: That is not a Platonic word. How would you call it?

Student: Philosophy.

LS: In other words, Socrates says, without saying so, [that] law is philosophy. Now what one has to do in such cases, after having been dumbfounded for a moment and perhaps even for more than a moment, is to recover one's balance or poise and see whether it

makes sense to say that law is philosophy. We must do this independently, because we should be better men than this nameless comrade and therefore understand better. Also, we have the unfair advantage that we can read this time and again, whereas this poor fellow couldn't do that. Now does it make sense to say that law is philosophy? We must understand that.

Student: In the first sense, you can say law is philosophy, at least in the sense that it rises out of a philosophy or a way of looking at—

LS: But simply starting from what we all admit in every day life regarding law.

Student: I wonder just how crucial the analytic elements of philosophy are to this conclusion. Does the word philosophy as Socrates is using it imply wisdom? If it does, it denies what he has already said when he left out wisdom and when he was referring to law and justice: law as being just but not wise. Now if it is true that philosophy does mean the love of wisdom, then we have an obvious contradiction.

LS: Yes, that is very good that you remind us of that. We must keep this in mind. But before we try to solve it, let us try to understand this alternative according to which law would be pursuit of wisdom, seeking for wisdom, love of wisdom. And let us see whether that makes sense. Now could one not say, following what we have heard, that the law wishes to be beneficial to human beings? Could not one say that? Quite a few people, I think, would say this. Certainly it wishes to be; unfortunately it is sometimes damaging, but it wishes to be beneficial to human beings. All right, what must we know to judge properly of laws, and perhaps even to give good laws? What would one have to know if we wish to give rules that will be beneficial to human beings?

Student: You have to know what is beneficial to human beings, and to know that you have to know something about human beings.

LS: You have to know the nature of man and what is good for him. But perhaps one cannot know what is beneficial to man, what is good for man, what is the nature of man, without knowing the whole. Now if that should be so, then it would be obvious that law is philosophy. Yes, this is very much shorthand, as you see, but these are not empty considerations. They come up all the time. To what extent is it really possible to form a proper judgment of political things, of broad issues, without raising all questions, the most fundamental and most comprehensive questions? Surely. [. . . .][v] But common sense in you, Mr. Dennis, rebels against that and gets some support by Socrates's distinction between wisdom and justice. And we will see that goes through the whole dialogue. Is an independent wisdom regarding political matters possible, or is it essentially dependent on wisdom proper, i.e., universal knowledge? That is the question. That is indicated by the difference between science and art which was made in 314.

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[v] The context suggests that there might have been a brief inaudible exchange between Strauss and Mr. Dennis here.

Do we now understand the three steps taken? The first: law is usages. This is dropped immediately as inadequate, because we can say it is simply a mere tautology. Law is of course the totality of the usages, if you remember for one moment that law is not necessarily written law made by a formal legislator. That is only our modern view. It could very well be mere custom. To that extent it is a tautology. The only interesting definitions are the second [and the third. The second:] law is the decree of the political society, which is a commonsense view and in its way undeniable but misleading because it blinds us to the problem of the law, namely, to the necessary distinction between good and bad laws. Now if we realize the necessity of distinguishing between good and bad laws, we transcend law, mere law, in the direction of philosophy already. And the most massive statement of this second view is the third definition: law is philosophy. You can say the second definition is too low and too narrow. The third definition is too big. Somewhere in between probably is the truth. But it is good to start from these extremes in order to get greater clarity about the more precise intermediate point. In this dialogue we do not get explicitly beyond this definition, because what follows now is merely a defense of this definition. Now what would you say is the most simple objection to that proposition, [that] law is philosophy?

Student: I think the simplest is that it doesn't help you very much.

LS: But still, one can also say this objection is not very helpful, that it is very unspecific. Now if someone would say "Law is philosophy," what would you think?

Student: Lawyers are not philosophers.

LS: Sure. Look at the fellows who make laws and interpret laws. That is one thing. But what would Socrates say against that objection? He has taken care of that.

Student: They desire to be.

LS: I see. Yes, that comes up. Now let us see what our comrade is going to say, because he objects immediately. At this point the second part of the dialogue the central part begins, namely, the defense of the definition, of the final definition. Now what does he say?

Reader: [Com.:] "Then how is it, Socrates, if law is discovery of reality, that we do not use always the same laws on the same matters, if we have thus got realities discovered."[vi] (315a)

LS: Wait. Is it not a strange sentence? Two conditional clauses—"if the law is discovery of being," and "if the beings have been discovered." That is not very logical as it is stated, but on a moment's reflection it appears very sensible. Because if law is discovery of being (well, of course, he changes it and drops the "wishes to be") and in addition, the beings (you see, he turns to the plural again—this one/many is a great problem) are

[vi] In the Loeb: "got realities discovered."

discovered, there should always be the same laws about the same things. Does it make sense? Because if we know the truth about a subject, then we say always the same thing about that same subject. But our laws are in a state of change; hence this is a paradoxical and implausible proposition of Socrates.

Student: But the fact remains that Socrates has said the law "wishes to be," and the interlocutor has changed this again to "the law is," so [to accord with] Socrates's statement, [the interlocutor should have said] "if the law wishes to be the discovery of that which is."

LS: Surely, you can say he changes the definition. He doesn't say law wishes to be but says law is, in effect, discovery. Let us then see Socrates's answer and whether this is of any help.

Reader: [Soc.:] "Law tends none the less to be discovery of reality: but men, who do not use always the same laws, as we observe, are not always able to discover what the law is intent on—reality."[vii] (315a)

LS:[7] "being."

Reader: "is intent on—being."

LS: Let us stop at that. He says: You have misunderstood me; I didn't say law is a discovery of being, but law *tends* to be a discovery of being. But what about a given law, say, in Athens, which is changed now? There is one attempt at discovery and this is replaced by another attempt at discovery. Does this make sense? Just as in science one hypothesis which proves to be very fruitful is replaced on consideration by another hypothesis. What is the difficulty here, if we apply that to law?

Student: Well, the one that immediately suggests itself to me is that law is not even an attempt to discover reality. It is an attempt to produce order or regulation, or even, in the extreme, education.

LS: But the question is whether that is not in a way—whether one could not dispose of this difficulty as follows, by saying: Well, law is an attempt to discover the truth, or what is, regarding, say, human things. What is beneficial to the American people in 1959 is the discovery of one aspect or part, however you call it, of so-called reality.

Student: Well, to stick to the empirical commonsense approach, it would seem that this is putting the cart before the horse. It would seem that the laws, the decrees of the city, are passed out of something already discovered or thought to have been discovered correctly, namely, what is the good of the city in 1959 and not vise versa.

LS: I do not quite follow you.

[vii] In the Loeb: "is intent on—reality."

Student: Well, if law is an attempt to discover reality, then this law "A" is an attempt, and we will see if it works out and does in fact discover reality—

LS: But could one not say also this: that if law is essentially an attempt, law is never a success? And therefore no law which was ever established anywhere really does what law wishes to do; therefore all laws are imperfect. Is this not implied, if it is essentially a wish for something, an attempt and not the fulfillment? Socrates, I believe, tries to avoid this by making here this distinction between law and human beings, which in its suggestive character (which does not quite jibe with what is explicitly said) would mean this: the law is the truth, but the human beings do not always know the truth. Those of you who remember the *Crito* will remember that in a crucial passage there, this substitution of the human beings for the law saves the credit of the law in this very difficulty argument. You know Socrates was condemned to death. A terrible injustice has been committed. But Socrates says: No, you can't blame the law for that, you have to blame the human beings who apply the law. And so the authority of the law is saved. Something similar is going on here. But that is of course not sufficient. It is only an attempt to restore the distinction between discovery of being and an attempt or a wish to discover being.

Student: Is that what he means when he says that law even understood in this higher sense is opinion?

LS: You mean because he had said law is true opinion?

Student: But before he says it is true opinion, he says it is opinion.

LS: Yes, but the final word on that subject is that it is true opinion.[8] A true opinion is an opinion which opines being as it is. It is not knowledge for certain other reasons, but in this respect it is final insofar as, to repeat, it opines being as it is. But in the meantime, we have had this qualification: the law is not necessarily true opinion; it tends to be or wishes to be true opinion.

Student: I just wondered why he found it necessary to take this step, in that I think it is an opinion too. Why couldn't he simply have let it go at that?

LS: Apparently the assertion that law is true opinion is opposed to grave difficulties, and therefore Socrates says it wishes or tends to be true opinion. Now what is the difficulty if you say the law is true opinion? Well, it really would mean that all laws are good. While the opinion that law is indifferent to the distinction between good and bad, as the second definition implied, is inadequate, the other definition, which would say all laws are good, also goes too far, and thus it is brought out that law tends to be. Law must always be seen in the light of its end and its possible goodness, that is true, but it does not always live up to that. That is as important for the understanding of law as the realization that law is subject to a standard. At any rate the objection of the comrade was this: If the law is discovery of being, laws must be unchangeable. That is obviously stated. The

changeability of laws, in other words, the manyness of laws, is the objection to the identification of law with truth. That is his difficulty.

Student: Why is discovery of being called opinion? Granted true opinion, but why opinion?

LS: Well, as to opinion, that is developed in the *Theaetetus*. Now what is opinion, according to Plato? The result of some reasoning. Of course it may be false and untrue, but it is not merely sense perception or memory; there is some reasoning. The opinion may agree with what is, and then it is true; it may disagree, and then it is false. But why is even true opinion not enough? Because as true opinion it may not be accompanied, it need not be accompanied, by clarity about the true reason. Let us take a very ordinary example. You have an opinion about a certain man. This opinion may be true opinion, but if you are asked why you think he is, say, unreliable, you may reply that you have a hunch. That is true opinion, but it is not more than opinion because you cannot prove it. Therefore the final definition suggested in the *Theaetetus* is that science or knowledge is true opinion accompanied by an account of itself. This is dropped here, and some people say that proves that Plato didn't write it—as if Plato were always compelled to develop an argument fully, as if it were not sufficient in a certain conversational context to leave it at a very provisional statement like that here.

Student: Could a mere hunch be described as a *discovery* of what is?

LS: But is it not so? You have seen something, noticed something, and this let you see that, and that [it] is this. But in the moment you try to convince someone else, to transform your impression into something teachable—knowledge is teachable—then you see you don't possess knowledge. You cannot reproduce the same hunch coming from the same situation at will.

Student: I wonder if it is implied that as far as *acts* are concerned the distinction between knowledge and opinion is irrelevant.

LS: You mean as far as actions?

Student: Yes, actions.

LS: Why should it? That may not be knowledge in the precise sense of the term, sense perception, that is, but when you act you have a major premise or maxim and then you subsume the present case, e.g., "I need money," [under it]. In a technical sense you can say that this "I need money" is not knowledge, not science. Surely not. But it is of course very certain; there is no doubt about it, [as] some of you will know. And therefore this syllogism—whoever needs money should go to a bank and not take it from someone on a dark night on the Midway[viii]; but I am in need of money; hence I should rather go to the bank—is a wonderfully certain syllogism, knowledge as good as any. The subtle

[viii] A strip of park land near the University of Chicago campus.

differences between that and a purely mathematically proposition, syllogism, doesn't concern us here.

Student: What I had in mind is more like this. Say a man kills another, and you knew he did it and I only opined he did it.

LS: Don't you read detective stories and such things which show there are rules of evidence? They are of course highly conventional, but with sound reason. They are designed to protect from error. The man who has seen the act of killing, and has seen clearly the face of the killer, without any question knows that he is a murderer by this sense perception. Whether he can be believed—because he may hate that other fellow, and therefore rules of evidence come in—that is an entirely different question. But there are ways in which this can be transmitted, and it is only because of the moral question—can he be believed because he may have hated the man?—that[9] the rules of evidence [are] so important. If you say this: Strictly speaking, I can never know what another man has perceived and if it is true. But you know that we have indirect ways of checking on that. For example, if you had never traveled around the earth, you might legitimately doubt whether the earth can be circumnavigated. But we have ways of finding out whether that is really so. We are not entirely dependent on the reports of such travelers. But the point, if I understand you correctly, is this: what I have perceived and no one else has perceived is not strictly speaking communicable. It is communicable as a fact, but it can never be demonstrated.

Student: If one of us only opined [and] the other knew that a man was a murderer, our actions as a result of that would be the same. Both you and I would say that man should be hanged. So that our actions would be the same whether . . . .

LS: But then this difficulty arises. Since the law must take into consideration all kinds of things, e.g., [concerning] people who are credible and people who are not credible,[10] [the question is] whether someone should be hanged on the evidence of a single witness, and whether there is not needed in addition a lot of circumstantial evidence, for example, that he has expressed the urgent wish to kill that fellow to other people, and so on.

But let us return to the main point in this discussion, i.e., that changeability of laws means manyness of laws, and that manyness of laws is the objection to the final definition.

Student: Maybe I am reading too much into this, but it seems to me that Plato has tacitly assumed an axiom that there can only be one method for discovering one thing, instead of perhaps that many methods could discover the same thing. He seems to assume that only one law can discover one reality, that there is one law for each reality. It seems to me that one could equally argue that many laws could discover the same reality. At least he hasn't taken up this argument.

LS: I do not see that this is so. What he clearly says, or at least what the comrade says, is this: regarding the same subject matter, and the same point of view of course, there can only be one truth. That is all he says. Now if[11] [the] subject matter[12] is, [say], theft, then it

is here implied—and we will later on see that Plato knew the difficulty—that there can be only one truth regarding theft, i.e., there can be only one true law anywhere and at any time regarding theft. This can very well be questioned.

Student: Well, maybe I had misunderstood what he means by discovery. I thought by discovery he would mean a method for arriving at truth rather than truth itself.

LS: No, discovery means really discovery. The method is a method toward discovery, it is not itself the discovery. If the being is discovered, you are at the end of the method. The method would be the way towards [it]. Therefore, I think the difference of methods wouldn't come in. The real difficulty is of course this very grave premise that there can be only one sound law at any time, anywhere, regarding the same subject matter—say, theft of sheep, to make it more specific—whereas common sense would tell us it depends very much on circumstances. And we must see later on whether Socrates is not aware of that. Now the next sentence [of Socrates] is of certain difficulty[13] (page 396).

Reader: [Soc.:] "For come now, let us see if from this point onward we can get it clear whether we use always the same laws or different ones at different times, and whether we all use the same, or some of us use some, and others others." (315b)

LS: That is difficult to understand. What happens now is this, that the comrade proves to Socrates the[14] variety and manyness of laws, and he seems merely to do what Socrates asks him to do. And then Socrates, in the speech immediately following (at the bottom of this page), is dissatisfied with this proof as something completely superfluous. Hence this speech cannot mean[15] [what] it is usually understood [to mean], the key word being the Greek word *enthende* in the third line,[ix] which I would understand here as "from this point of view." And what Socrates means, I believe, is this: let us see whether we cannot understand the fact of manyness of law and of change of law on the basis of the distinction between the law and human beings. If this distinction must be made between law and[16] human beings, then it follows necessarily that there will be manyness of laws. But that is not the way in which the interlocutor understands it. You see, what happens very frequently in translations is this: The translator takes the understanding by the interlocutor as the way in which the question of Socrates must be understood. But that is by no means necessary; the interlocutor may have misunderstood Socrates. And we must see from what Socrates says, and also [from] what he later on does, how this utterance of Socrates has to be interpreted. That is an example of this. At any rate, however this may be, the interlocutor has the impression that Socrates doesn't even know whether there are many laws, or whether laws are changed. Therefore, out of the fullness of his wisdom of practical information, he tells Socrates. Now let us see what he proves. That is a very interesting passage which comes now.

Reader: [Com.:] "Why that, Socrates, is no difficult matter to determine—" (315b)

[ix] *Minos* 315b3.

LS: You see, when he says here "Socrates," it does not have the meaning that he is troubled by Socrates but rather as one would say to a rather stupid individual: "But, Mr. Miller, don't you know that?" He tries to awaken Socrates to a sense of reality. Continue.

Reader: "that the same men do not use always the same laws, and also that different men use different ones. With us, for instance, human sacrifice is not legal, but unholy, whereas the Carthaginians perform it as a thing they account holy and legal, and that too when some of them sacrifice even their own sons to Cronos, as I daresay you yourself have heard." (315b-c)

LS: "As perhaps even you have heard"—you know, Socrates, this complete lamb, babe in the woods. Now continue.

Reader: "And not merely is it foreign peoples who use different laws from ours—" (315c)

LS: "Barbarian human beings." Now continue.

Reader:

> but our neighbors in Lycaea and the descendants of Athamas—you know their sacrifices, Greeks though they be. And as to ourselves too, you know, of course, from what you have heard yourself, the kind of laws we formerly used in regard to our dead, when we slaughtered sacred victims before the funeral procession, and engaged urn-women to collect the bones from the ashes. Then again, a yet earlier generation used to bury the dead where they were, in the house: but we do none of these things. One might give thousands of other instances; for there is ample means of proving that neither we copy ourselves nor mankind each other always in laws and customs. (315c-d)

LS: "We do not fix the same with ourselves in the same respect regarding the same things." We[17] agree, we could say, neither with ourselves nor with others always regarding the same things. Now let us consider for one moment these examples. The examples refer to two grave subjects. Which are they?

Student: Human sacrifice and funerals.

LS: The most important themes for men in former times and even today. I hope you see from here why law is really philosophy. If you want to find out the truth about human sacrifice and about funerals, what do you have to know? Which questions must you have answered before you can settle these questions?

Student: The character of the gods.

LS: Number one. Number two?

Student: Immortality.

LS: Of the soul, surely. These examples are very wisely chosen, and one sees immediately how inseparable is law. I mean, if you speak about a very simple law regarding right or left driving, you do not have to move [to] metaphysics, but not all laws are of that nature. And look at them in detail—you see the simplest example is the second one. He speaks here first of the old Athenian practice, then he speaks of the still older Athenian practice, and then of the present Athenian practice. Now these are changes within Athenian law only. Which is the best of these three in the opinion of our friend? What would you say? What is your impression?

Student: The ones now.

LS: I believe so. I believe the proof however comes—I think he is simply shocked by[18] [the] thought that the dead are buried in the house in the very old times, and also the kind of things they did formerly after these old rites were abolished. But let us turn to the human sacrifices, the sacrifices to Cronos, to Saturnus. He gives there four specimens: the Athenians, no human sacrifices; the Carthaginians, sacrifices of one's own sons; and then [two] other human sacrifices, but apparently not of the sons, brought by the Greeks [i.e. "our neighbors in Lycaea and the descendants of Athamas"]. In each case, [i.e., in the case of sacrifice and in the case of burial] the most horrible is in the middle, as you see: sacrificing of one's own sons and burying the dead in one's house. One can say, applying to this short passage a description usually applied to Thucydides (to the first part of Thucydides's history), that [this] is archeology, a description of the olden time. This young man is an "enlightened" young man (I put the quotes around enlightened because we do not know yet whether we can say more about him) and the ordinary view is of course a high regard for antiquity in olden times. And now we see that there are some Greeks even now who behave like barbarians. That reminds also of a thesis of Thucydides that[19] [originally] all Greeks were also barbarians. The distinctiveness of the Greeks is a fairly recent event, according to him. The same is implied here. There are altogether seven examples, as you can easily see. The central one is that of the descendants of Athamas. I do not know why this is brought into the center; one would have to do some studies which I haven't done. The main point for our purposes, however, is to see that the examples chosen show the inseparable connection of law and philosophy. These questions,[20] the question of funerals as well as [that of] sacrifices, [cannot be rationally settled] without philosophy. That is what Socrates is driving at. Now what does Socrates say after having received this most important information which he is supposed never to have heard?[x]

Reader:

> [Soc.:] And it is no wonder, my excellent friend, if what you say is correct, and I have overlooked it. But if you continue to express your views after your own fashion in lengthy speeches, and I speak likewise, we shall never come to any

[x] There is a break at this point in the transcript, indicated by a "break in tape." The transcript resumes with Socrates's "by asking me questions; or if you prefer." The missing text is supplemented from the Loeb translation.

> agreement, in my opinion: but if we study the matter jointly, we may perhaps concur. Well now, if you like, hold a joint inquiry with me by asking me questions; or if you prefer, by answering them.
> [Com.:] Why, I am willing, Socrates, to answer anything you like. (315d-e)

LS: That also throws some light on the situation. Socrates had been given some information which, in the opinion of this comrade, Socrates needed because he was so ignorant of[21] [it]. And now Socrates makes a very impertinent remark about long speeches. It was not a very long speech. Socrates himself frequently makes much longer speeches in this very dialogue. Now these remarks occur also in other dialogues, i.e., where Socrates complains about long speeches, and very unfairly, as you see. What about long or short speeches? We must at least mention this question. Now what is the right form, long speeches or short speeches?

Student: It depends upon the subject matter.

LS: Yes. The appropriate length. That is what Prodicus[xi] said and Socrates fully agrees with him. So when he opposes long speeches, that is only a polite way of opposing irrelevant long speeches, not long speeches altogether. But there is of course some element of truth in it. If one makes a speech and then the other makes a speech, they will never meet, they need not ever meet. Therefore, from this point of view, there must at least be an end to that speech; otherwise there can never be a possibility of mutual conviction. And then Socrates leaves[22] [it] open and says: You can raise a question and you can answer. The words which he uses here in Greek (page 398) *pynthanomenos ti par' emou koinē,* which are translated here "hold a joint inquiry with me,"[xii][23] may also mean [together with the rest of the sentence, *met' emou skopei*]: "if you wish, try to inquire from me and then look at the thing together with me." In other words, he had given information to Socrates, and now Socrates says: Perhaps you [want to] try to get information from me, and therefore[24] ask questions, then I will give you the information. But if you prefer, you may also give the answer. He chooses to answer. Now what does this mean in the context? That he is sure that he is the man to give information, not that babe in the woods, Socrates—who, as he believes, didn't know these facts. And he has indeed the nerve to say: But I am willing, Socrates, to answer whatever you say, which means, of course: I will have an answer to every question you can raise. This gives us a notion of this man.

Now where do we stand regarding the main argument? There can be no question that laws are many and varied. And yet laws are said to be true, and the truth can only be one regarding a given subject. Socrates must defend, then, his definition of law. How does he proceed? Let us see.

[xi] Prodicus of Ceos (c. 465 BCE-c. 395 BCE), a famous rhetorician and first generation sophist. In the *Phaedrus* Socrates reports that Prodicus had said that he had discovered the art of proper speech, that speeches ought to be neither long nor short, but of measured length (267b).

[xii] *Minos* 315e.

Reader:

> [Soc.:] Come then, do you consider just things to be unjust and unjust things just, or just things to be just and unjust things unjust?
> [Com.:] I consider just things to be just and unjust things unjust. (315e-316a)

LS: I cannot, of course, bring out all these little beauties. But here in this case, *I*, "*I* regard the just things just and the unjust [things] unjust." In other words, there may be people who do or don't do that. Continue.

Reader:

> [Soc.:] And are they so considered among all men elsewhere as they are here?
> [Com.:] Yes.
> [Soc.:] And among the Persians also?
> [Com.:] Among the Persians also.
> [Soc.:] Always, I presume?
> [Com.:] Always.
> [Soc.:] Are things that weigh more considered heavier here, and things that weigh less lighter, or the contrary?
> [Com.:] No, those that weigh more are considered heavier, and those that weigh less lighter.
> [Soc.:] And is it so in Carthage also, and in Lycaea?
> [Com.:] Yes.
> [Soc.:] Noble things, it would seem, are everywhere considered noble, and base things base; not base things noble or noble things base.
> [Com.:] That is so.
> [Soc.:] And thus, as a universal rule, realities, and not unrealities, are accepted as real, both among us and among all other men.
> [Com.:] I agree.
> [Soc.:] Then whoever fails to attain reality, fails to attain accepted law. (316a-b)

LS: Yes, that is his first argument, and we must consider that. Now the translation doesn't bring out clearly enough what the nerve of the argument is. Everywhere people admit that being is—or beings are, and non-beings are not. That they believe everywhere. [In Greek] to believe means[25] [or] can be best expressed by the word *nomizein*: they hold it, they believe it. It is a derivative from the word *nomos*. And hence he[26] [who] would say [that] being is not does not agree with what is generally or universally held. That is to say he misses what is universally admitted to be true,[27] the universal *nomos*. He who misses being misses the legal. That is the end of this argument. What[28] [would] you say to that?

Student: Well, it is rather hard to deny [that] being is, because it is the use of the word *is* and is in fact an extension of it. Grammatically it is the same thing.

LS: What is the relevance of the argument for the grave question which we have, that the manyness and variety of laws endangers the truth of law? That shouldn't surprise you,

because the most common argument against, for example, natural law is that [there is a] variety of opinions as to what constitutes justice. And the conclusion very commonly drawn is that there is no truth about justice because people have the most varied opinions about justice, either in the same country or in different countries and at different times. That is a very common argument. Now how does Socrates dispose of this problem? Now we must understand what he really asserts.

Student: He seems to me to change the levels of abstraction because he says, and gets the interlocutor to agree, that the just in one place is just in another. But, for example, it is considered just in Carthage to sacrifice one's children; it is not just in Athens to sacrifice one's children. So law on this one level of abstraction—there is only one law, there is only one type.

LS: I wish only that you could rephrase this terribly abstract term "level of abstraction" into something more concrete.

Student: I think he is working on what he considers a more basic element, the thing of lawness as opposed to laws in general.

LS: Now let us look at a simple example. Everywhere people say [that] what is just is just, and what is unjust is unjust. The just is opposed to the unjust. That is true, but what they understand by the content differs radically. So the argument is indeed of an atrocious abstractness which completely evades the issue, because what he says about justness is of course equally true about noble and is equally true about being. And you see, he gives one example which shows how atrocious the procedure is, and that is the only example which has nothing directly to do with this high and mighty thing, namely, the question of heavy and light. What does he do in the case of heavy and light? How does he express it there? Here he defines it. He says the things which weigh more are considered heavier and the things which weigh less are considered lighter. So here heavy and light are defined and therefore, of course, the statement is not completely meaningless as it is in the case of the other points—just, noble, and being—[where] it is a mere formalism which completely evades the issue. And the comrade is intelligent enough, as we will see immediately, to see that this argument is of no value and doesn't meet the issue at all. These examples, however, of the heavy and light differ from the other examples for the following reason. In all other cases he uses the positive: the just things, the unjust things, and so on, and in the case of the noble things, too. But when he speaks of heavy and light he uses the comparative, i.e., the heavier, the lighter.

Now that refers to a discussion which we do not find in this dialogue but, for example, at the beginning of the *Euthyphro*, where a discussion regarding the spheres of human disagreement and conflict[29] goes on. What are the grounds of conflict? Socrates says[30] [that] conflict arises from disagreement regarding the good, the noble, and the just. And here in such cases agreement can be reached only with difficulty. But there are other spheres where agreement can be reached very easily, and those are the cases where we can count or measure or weigh. Because if one man says another is six feet tall, and someone else says he is seven, the solution is very simple. But if someone says this is a

just action, and another says it is an unjust action, this is in many cases of the greatest complexity. Here is where the difference of degree—heavier and lighter—and therefore of mathematic exactness comes in, whereas it is not so in the case of the noble, just, and good. This indicates to us the problem. You see also, by the way, the examples: he introduces the Persians instead of the descendants of Athamas. Again, I cannot explain that, except [to mention] the fact that the Persians were of course enemies of the Greeks, and in addition they were in certain respects regarded as more rational than the Greeks. But I can only mention this here. Now let us go on.

Reader: [Com.:] "In your present way of putting it, Socrates, the same things appear to be accepted as lawful both by us and by the rest of the world, always: but when I reflect that we are continually changing our laws in all sorts of ways, I cannot bring myself to assent." (316b-c)

LS: "We do not see." Who? Who are the "we"? Well, in such cases it is not necessary to give an unambiguous answer. One can leave it open. But one at least must see what the alternatives are.

Student: You mean, "by us and the rest of the world?" It occurs to me that by "us" he means the Athenians.

LS: Yes. That is of some importance, because if changeability, changing of laws, is something bad, then of course the city which changes laws most frequently is inferior to a city which changes laws les frequently. And that would throw light on Athens. We must see that light. Now let us continue.

Reader:

> [Soc.:] Perhaps it is because you do not reflect that when we change our pieces at draughts they are the same pieces. But look at it, as I do, in this way. Have you in your time come across a treatise on healing the sick?
> [Com.:] I have.
> [Soc.:] Then do you know to what art such a treatise belongs?
> [Com.:] I do: medicine.
> [Soc.:] And you give the name of doctors to those who have knowledge of these matters?
> [Com.:] Yes.
> [Soc.:] Then do those who have knowledge accept the same views on the same things, or do they accept different views?
> [Com.:] The same, in my opinion.
> [Soc.:] Do Greeks only accept the same views as Greeks on what they know, or do foreigners also agree on these matters, both among themselves and with Greeks?
> [Com.:] It is quite inevitable, I should say, that those who know should agree in accepting the same views, whether Greeks or foreigners.
> [Soc.:] Well answered. And do they so always?
> [Com.:] Yes, it is so always.

> [Soc.:] And do doctors on their part, in their treatises on health, write what they accept as real?
> [Com.:] Yes.
> [Soc.:] Then these treatises of the doctors are medical, and medical laws.
> [Com.:] Medical, to be sure. (316c-e)

LS: Let us stop here for one moment. What is the consideration which he now brings in by which he comes somewhat closer to the argument? What is the new point which is now mentioned by Socrates as throwing light on the problem?

Student: Expertise.

LS: Yes.

Student: Could one say knowledge?

LS: Both; it doesn't make any difference. Say knowledge. Why is this so important? Don't forget that we have this question: the manyness and changeability of laws as an objection to the possible truth of laws. And it was said that since human beings disagree so widely regarding laws by changing the laws all the time, the definition can't be right.

Student: He makes the argument that among human beings this may be so but human beings do not always know. Among those who know there is agreement.

LS: So in other words, let us forget about human beings in general and let us limit ourselves to experts. Now you must not of course think of our notion, as it is so common, of a constantly progressing science. That was not so fast and so visible, at any rate, in former times. Now do physicians disagree regarding the healing of diseases to the same degree to which cities disagree as to how theft should be punished?

Student: Well, it seems to me that in this whole argument, although I am not familiar with Greek medicine and its practice in the ancient world, that he must have in mind the doctor in the ideal. Because it seems to me that a doctor in Greece might treat a wound in one way and a doctor in Carthage treat a wound another way.

LS: But that problem is discussed, for example, in the First Book of Plato's *Republic*. The distinction is made between the artisans unqualifiedly spoken and the artisan precisely spoken. I mean, as knower and as knowers they would not disagree. Since, however, every empirical physician is not a complete knower, this difficulty would arise. But the crucial step is this, that the law is now taken from the hands of the multitude, of the non-expert, and we are now considering [those who are] entirely experts. Why does he take writings, by the way? Why does he take the writings of physicians, as distinguished from the doctrines or speeches of physicians?

Student: They are more lasting.

LS: Because the laws are, in a city like Athens, primarily the written laws. Laws are writings. They ought to be the writings of experts. Now let us then look at the writings of other experts, and let us see whether these writings are changed all the time and vary from country to country. And the assertion is made, uncontested by the interlocutor—perhaps wrongly uncontested but still uncontested—that wherever we have an art or science, then all possessors of that art or science, regardless of time and country, would agree. And therefore we must see how this would work out if applied to laws.

Why is medicine chosen as an example? That question is very simple. Let us look at the end of the dialogue (page 420) and read this briefly.

Reader:

> [Soc.:] [Come then, in good friendship's name:] if someone were to ask us[xiii] what it is that the good lawgiver and apportioner for the body distributes to it when he makes it better, we should say, if we were to make a correct and brief answer, that it was food and labor; the former to strengthen, and the latter to exercise and brace it.
> [Com.:] And we should be right.
> [Soc.:] And if he then proceeded to ask us—And what might that be which the good lawgiver and apportioner distributes to the soul to make it better?—what would be our answer if we would avoid being ashamed of ourselves and our years?
> [Com.:] This time I am unable to say.
> [Soc.:] But indeed it is shameful for the soul of either of us to be found ignorant of those things within it on which its good and abject states depend, while it has studied those that pertain to the body and rest. (321c-d)

LS: So in other words, the legislator is the physician of the soul, and therefore the simplest parallel is the physician of the body. And why is he the physician of the soul (which sounds very strange if you look empirically at law, but we have to take a loftier view)? What is the function of the legislator?

Student: Well, he has to cure it by the use of medicines which are painful.

LS: For example. That is not a bad answer at all. Punishment, as you know, plays a very great role in law, and punishment is comparable to the things which the physician does to our body.

Student: Is it because the legislator has to do primarily with the health of the citizen as human?

LS: The health of the soul. As they say, the good legislator makes the citizens good men. And good men means men of a healthy soul.

[xiii] In the Loeb: "someone should ask us"

Student: Is it the doctor who makes men healthy?

LS: Yes, we come to that subtle distinction later. Surely that is the point which was mentioned earlier, that there seems to be a greater emphasis on the restorative activity, on punishment, than on the constitutive activity of the gymnastic trainer. We come to that later. We cannot take up everything at the same time.

Student: Why does not the interlocutor object that all doctors do not agree?

LS: In the first place, the Greeks had a very high opinion of *technai*, of the arts. And they say all the time that, say, for example, two carpenters—given that [neither] one is[31] a blunderer but that they are [both] really experts—agree easily, and the others listen and don't even understand, and they have to explain to them. That happens all the time. There is such a thing. When you go to very difficult questions in a given art, then there may be disagreement. But[32] in the case of a wound or in the case of a fever, the physicians know what you have to do and also the reasons why you have to do it.

Student: Well, it seems to me that the agreement could be,[33] you see, that the art cannot be wrong, or the science cannot be wrong. And so, if he would agree to this much, he would also, I think, be forced to agree that the law cannot be wrong. In the same sense in which Socrates—

LS: Yes, sure, that is what Socrates is driving at. You remember the question: Law must be a science or an art if it is to be respectable. Let us take the simpler case, and perhaps the more convincing case, of art. So the conclusion would be that the legislator is something like a physician, or you can also say like a carpenter. And therefore, in order to be a legislator you have to have proper training in the art of legislation. In most cities the laws were made by people without proper training, and therefore the question arises whether they can be laws at all, because they are merely the utterances of ignoramuses. That is the implication. There is a very radical criticism of law implied in this very question.

Student: It would seem that this isn't true opinion anymore, that it is immutable and demonstrable.

LS: But as I told you, this is a very external dialogue between Socrates and a nameless comrade, where this important point—that knowledge is not merely true opinion but true opinion with an understanding of the reasons—is disregarded. What you say reminds me of a Hegelian joke. Someone wants to buy fruit, and then he goes to a fruit stand, and the man says: I have apples, bananas, and peaches. And then he doesn't buy [any], because these are apples and so on. But of course they all are fruits. Now something [that] is both true opinion and knowledge is true opinion. You see, this is the genus: true opinion. Then we have true opinion and merely true opinion. And then we have knowledge, because knowledge has something in addition to true opinion, namely, the reasons for it. That is all.

Student: I thought he could have made things simpler for himself and for this interlocutor by simply saying that it is knowledge of what is.

LS: But there is a transition. Because the common view is that a decree of the polis, *dogma poleōs*, is sufficient. Now what is a decree? A decree is arrived at by deliberation, and the decree is the end of the deliberation. And in this sense, it is opinion, the result of a reasoning—whether good or bad is uninteresting. And now he leads over. The definition which he gives shows the origin of the final definition, i.e., law is philosophy. It shows the connection with the simple empirical definition, i.e., law is the decree of the polis. True opinion is the link between the common, simplistic view of law and the supersophistical view which Socrates here uses for reasons which will not be altogether irrelevant. Now what Socrates suggests then at this point is this: if we want to settle the question of law, and law must be something technical, something like an art or the product of an art (we can leave this open), then let us look at other arts. And then we see that in an art as art there is no difference among experts regardless of time or place.[34] The first example used is medicine, and then he uses some other examples. Let us see what these others are. But [characteristically], he now compares law not to art[35] but to technical writings, because he thinks primarily of laws as written laws. And therefore the direct parallel in the arts to laws would be not the arts themselves but the writings by artisans or artists, the technical writings. Now let us see how he goes on from here. He uses some other examples.

Reader:

> [Soc.:] And are agricultural treatises likewise agricultural laws?
> [Com.:] Yes.
> [Soc.:] And whose are the treatises and accepted rules about garden-work?
> [Com.:] Gardeners'.
> [Soc.:] So these are our gardening laws.
> [Com.:] Yes.
> [Soc.:] Of people who know how to control gardens?

LS: "How to rule" would be a better, literal translation.

Reader:

> [Soc.:] And it is the gardeners who know.
> [Com.:] Yes.
> [Soc.:] And whose are the treatises and accepted rules about the confection of tasty dishes?
> [Com.:] Cooks'.
> [Soc.:] Then there are laws of cookery?
> [Com.:] Of cookery.
> [Soc.:] Of people who know, it would seem, how to control the confection of tasty dishes?
> [Com.:] Yes. (316e-17a)

LS: You see this slight qualification, "as it seems," or "it would seem," in the case of cooking. Does anyone know why he makes this reservation in the case of cooking which he does not make in the case of agriculture and the other examples mentioned?

Student: The *Gorgias*.

LS: It is a sham art. The art of cooking is presented as a sham art. We had another example of a sham art here before. Do you remember that? One must keep these things in mind.

Student: Diviners.

LS: Diviners, soothsaying. That may prove important later on.

Reader:

> [Soc.:] And it is the cooks, they say, who know?
> [Com.:] Yes, it is they who know.

LS: You see, "they say" may very well be the cooks. The cooks say they know, just as the soothsayers assert that they are diviners. You see, the comrade has no difficulty regarding the cooks. That shows the difficulty.

Reader:

> [Soc.:] [Very well;] and now whose are the treatises and accepted rules about the government of a state? Of the people who know how to control states, are they not?
> [Com.:] I agree.
> [Soc.:] And is it anyone else than statesmen and royal persons who know?
> [Com.:] It is they, to be sure.
> [Soc.:] Then what people call "laws" are treatises of state,—writings of kings and good men.
> [Com.:] That is true. (317a-b)

LS: Now you see already the very great political implication of the step taken. [We all would admit] laws, at least written laws,[36] are writings. But writings of whom? Answer: If they are to be respectable they must be the writings of experts. And who are these experts? "Kings and good men." Now what about a law passed in the Athenian assembly? Is this a law written by a king or by good men? Certainly not necessarily: a king, strictly speaking, didn't exist. So we are very far away from Athens.

Student: He substitutes good men for *politikos*. Is the implication that *politikoi* are not good men?

LS: But on the other hand, you will see that they are really interchangeable. In the first place, he says the political men and the kingly men; later on, he changes the order to

kings and good men. And in addition, it is clear also from the [inaudible] they are really so close together, in both cases. Now go on.

Reader:

> [Soc.:] And must it not be that those who know will not write differently at different times on the same matters?
> [Com.:] They will not.
> [Soc.:] Nor will they ever change one set of accepted rules for another in respect of the same matters.
> [Com.:] No, indeed.
> [Soc.:] So if we see some persons anywhere doing this—

LS: You see, "anywhere." He does not say explicitly in Athens, but Athens is of course included in "anywhere."

Reader:

> [Soc.:] [So if we see some persons anywhere doing this,] shall we say that those who do so have knowledge, or have none?
> [Com.:] That they have no knowledge.
> [Soc.:] And again, whatever is right, we shall say is lawful for each person, whether in medicine or in cookery or in gardening?
> [Com.:] Yes.
> [Soc.:] And whatever is not right we shall decline to call lawful?

LS: "We shall no longer call that lawful." No longer. In other words, we make now a clean[37] [break] with our past. We will not call[38] something lawful [anymore] which merely is in agreement with the positive law.

Reader:

> [Com.:] We shall no longer do so.[xiv]
> [Soc.:] Then it becomes unlawful.
> [Com.:] It must.

LS: Or illegal. It is the same.

Reader:

> [Soc.:] And again, in writings about what is just and unjust, and generally about the government of a state and the proper way of governing it, that which is right is the king's law, but not so that which is not right, though it seems to be law to those who do not know; for it is unlawful.
> [Com.:] Yes.

[xiv] In the Loeb: "We shall decline."

LS: Now you see the break with the common opinion is now complete. I mean, almost anything called an Athenian law is unlawful. That is now definite. And you see our enlightened young man has no objections whatever. Very interesting to see.

Reader: [Soc.:] "Then we rightly admitted that law is discovery of reality." (317b-d)

LS: Of "being." Now granting the relevance and truth of this argument, did we really rightly agree? You don't think so?

Student: Well, initially it was agreed that "it wishes" and then the transition was made to being. At this point it is more justified to say "to be" instead of "wishes" because you have eliminated error.

LS: Now what strikes me most—we may come to your point later—is this: law is said to be discovery of being, and that is said unqualified[ly], that is to say, of all being. But what is the subject matter of the political art? All beings?

Student: Man, obviously.

LS: Yes, or the city. Because medicine or agriculture deals with another kind of being. That remains a grave question. Of course one can say: All right, law is discovery of being in so far as it is a discovery of a certain kind of being. One could perhaps dispose of the difficulty in this way. But can you now restate your difficulty?

Student: The first thing that struck me is the transition from "wishes to be the discovery of being," and now Socrates for the first time himself says "is."

LS: Yes. But this makes it in a way much easier, doesn't it? Because now we can be certain that laws are available because law is not merely a tendency toward the truth but it in fact discovers the truth. So the reservation which Socrates originally had against the assumption that the truth is available is now dropped. That facilitates things greatly. But what new difficulty does it bring in, in your opinion?

Student: Well, I don't quite see that he is justified in doing it. I agree that it facilitates matters.

LS: All right, but he drops the difficulty. And what is the difficulty? You see, if law *tends* to be the discovery of the truth, then the empirical laws could all be laws. But if law *is* discovery of truth, hardly any laws are laws. So that the first definition was more conservative than the present one. The present one excludes the nice legal character[39] [from] almost all laws.

Student: Couldn't you also say that when Socrates said it tends to discover truth, that Socrates himself was only in a state of true opinion and had not yet reached knowledge? And it was only by meeting these objections presented dialectically against him that he

achieved knowledge of what law is? The defense of his definition being in a sense the test of its truth.

LS: Surely, but in the process of defending it he changes it.

Student: Well, his state of mind changes from one of true opinion, perhaps, to one of knowledge.

LS: That is easy to say but it must be proven that it is so. Now what are the premises which he makes? The premise is that knowledge of what orders the city is as much possible as knowledge of what orders the body, or [of] what orders a field which we want to sow, or maybe [of] what the cook wants to do. That is the premise. But is it not a sensible premise prior to a deeper investigation—that there could be art or technical knowledge regarding the ordering of cities as well as regarding the ordering of other things. So the real question, the question which does not come up at all here, is this: Why in the world are laws everywhere made by non-experts? How does it come [about]? What induces people who are so willing to follow experts—physicians, carpenters, blacksmiths, and what have you—[to] want the laws to be made by themselves, who are non-experts? That, after all, is the simple question. To say it is mere folly is not sufficient, and of course it is not Socrates's point.

Student: It seems to me that there are a lot of difficulties involved in drawing that conclusion from the arguments which are given. One thing is the problem of the discovery of being—you know, about the notion of the oneness of being. It could be argued that being is one and not one in different respects.

LS: Yes, which Socrates (Plato) would of course admit.

Student: Which would mean then that there is one law and many laws, and the manyness—

LS: Surely, but the interesting point is this, that up to now the interlocutor has gone along with Socrates without raising this difficulty. Of course the interlocutor is of no interest; he is a certain human type, you can say, at the most. That is all. But there must be therefore some substantive reason for that. What is it? What speaks in favor of this peculiar abstraction used in the dialogue up to this point—the abstraction from this manyness? What speaks in favor of it?

Student: The analogy with the arts.

LS: Sure, one could of course say then that it is a false analogy. But still, what justifies a provisional use of a questionable analogy in this case? A very obvious fact. Granted that there must be a great variety of laws and that there is a good case for changing laws from time to time, must there not be something identical and unchangeable if the variety and change are to be made soundly? You change a law. The least you want is that it should not be a change for the worse. Then you have to have a standard which ultimately is the

standard of human goodness. So in other words, the necessity of an ultimate and unchangeable standard justifies, in a certain state of abstraction, this argument. Later on we have to go into whether we do not need something intermediate between the highest unchangeable and the legitimately changeable laws.

I would like to mention one point for the understanding of the next argument. When he speaks here at the top of page 406, in Greek you see *diakosmēseōs dioikein*, and the use of the *dia*. This foreshadows the following discussion, as you will see, because he raises now the following question. Here the defense is finished, but then Socrates brings in a new consideration by saying: "Furthermore, let us consider also the following thing." And here you see again *dia* [in] *diatheōmetha* [and] *dianeimai*. Now here he brings in a new consideration, because what we have heard up to now was very general. He continues to compare law to arts, but now he compares law to a specific aspect of the arts. And what that aspect is appears from the first question. Now let us read the first two questions here of Socrates.

Reader:

> [Soc.:] Now let us observe the further point about it. Who has knowledge of distributing seed over land?
> [Com.:] A farmer.
> [Soc.:] And does he distribute the suitable seed to each sort of land? (317d)

LS: Let us stop here because we can't go beyond this. Now the question which now arises[40] [is] the question which elucidates for the first time the question of justice. Law and justice had been identified in a certain passage, as you will remember. But no reflection was made on justice. Now here he brings up the question of justice. Justice is primarily distribution. Every art, Socrates contends—straining things somewhat—is a form of distributing things to things. For example, the farmer distributes seed to the various plots of land. And he will go on and give other examples of this form of distribution. Therefore, the legislator is a man who distributes different things to different people; for example, different rewards, different punishments, and all this kind of thing. The legislative art is an art of distribution, and in this sense it is the same as justice. But here, you see, he makes a slight change in the formula. Who is the expert, the knower, in distributing seeds over land? The farmer. And he is the one who gives the proper seed to each land. Now land, the Greek word *gē*, has this ambiguity, just as in English, [meaning] the earth and also the land. Now in German it is clearer than in English. Here you see already an indication of the difficulty to which we come later, because if justice and if legislation consist in assigning to everyone what is good for him, what follows from that regarding law?

Student: The manyness of law?

LS: Yes, and of course the opposite of unchangeability. Because if x, who is to be assigned something, changes, something else has to be changed as well. So the point of view which the interlocutor has—unchangeability is the criterion of truth—proves now to be completely problematic when we think that through. On the contrary, we get a

different solution. We get another criticism of law. Not its changeability is bad but its insufficient changeability, because every law is pronounced as general: All people who do this and this will be punished in this and this way, and no sufficient distinction is made regarding the great varieties of human beings. So we get now a very strange justification of the manyness and an attack on the oneness. Not every one is of higher dignity than the many. There are spheres in which the manyness is so to speak truer than the oneness. And why is that so? Why is, for example, a law of nature, one law of nature of much higher intellectual dignity than the many phenomena? Because they [i.e. the many phenomena] don't teach us anything which we do not have in that law. But why is it [the] opposite in the case of human laws? What is the difference between the human laws and any laws of nature?

Student: The individual human laws may reflect accurately the variety of natures.

LS: That is true, but what light does your remark throw on the character of human law?

Student: That it must vary with the variations in nature.

LS: Yes, but it can't. It can't as law. Otherwise it is no longer law. Law must have a certain level of generality.

Student: Apparently there is only one form of right society or right soil to begin with. If all laws must be the same and can't vary, then you should only have one type of situation.

LS: That is manifestly untrue.

Student: It is untrue that this is the situation but it ought to be, apparently.

LS: Yes, but how can you do that? You would have to change the nature of man to bring that about, and this is a thought wholly absent from Plato's mind. Now to use a most simple term: the human law is arbitrary. It is conventional. It is a kind of convenient abbreviation which is very useful but which contains also its dangers. And the problem with which Socrates is confronted here is really this:[41] to make a denial[42] [of] the problem,[43] [of] this aspect of the problem of the one and the many. Essentially the one had a higher status than the many from Plato's point of view. You see it very simply in the case of the standard of human perfection: this can only be one. But there are human devices of the utmost practical importance, laws, which raise this claim to be [themselves] the one unchangeable confronted with the many varied situations. And this claim has to be distinguished radically from the unity of the standard. The laws, the human laws, are arbitrary and conventional. This doesn't mean that they are crazy, of course, but they are questionable in a way in which the natural standard cannot be questioned. And we must see how this is worked out.

We have a few minutes left, and I would like to know whether this point has become clear. You see, what is going on is very strange. Socrates seems to be the defender of the one unchangeable law against this somewhat cynical young man to whom he talks. But in

fact the young man is the one who brings up the issue of the unchangeability of the law, and Socrates goes with him for a certain time. The fundamental problem, to repeat, is this: there is a kind of, let us say, spurious oneness of the merely human law contrasted with the genuine oneness of the standards of human perfection which cannot be changed, the changeability of which would lead to absolute chaos, whereas the changeability of the laws is the necessary consequence of their merely human origin. There is only one more step, which we will read this next time, and then Socrates is through with what, to the interlocutor at any rate, seems to be the proof that law is the discovery of being: law is wisdom. And this ambiguity remains: Is it universal wisdom, knowledge of everything, or is it knowledge only of the ordering of the polis? But this ambiguity, as we have seen, is not groundless. The examples given by the interlocutor of the changes of laws, the laws regarding human sacrifice as well as regarding funerals—human laws necessarily contain important parts, the truth of which cannot be established without philosophic knowledge, without knowledge of the whole. The examples, to repeat, [are] the human sacrifices and the funerals. To some extent political science, if we call it that, is of course independent of other disciplines, because the polis is specifically different from other beings. But a complete separation is impossible, a complete separation of political science from [inaudible] is of course impossible. But there is no simple and clear formula possible for this relation, and therefore the ambiguity here: Is it a science and really the universal science, or is it an art, if a distinguished art, among the many arts?

After this brief discussion now about the legislative art as a distributive art, and therefore as an art which in its perfection would be incompatible with law because of the infinite variety of circumstance,[44] Socrates will raise the question—forgetting the complexity—and simply say that law is said to be the discovery of being and therefore unchangeable. He returns to the surface. And then he says: Well, what would be a real law? Answer: A law which is unchangeable. But what does unchangeable mean? We must not expect the impossible; say a law which is extremely old, that is to say [one] which had undergone very little change, the only change being its coming into being. And then what is the oldest law in the whole world? Answer: the law of Minos in Crete. Hence this must be the best law. But this comes up only after the whole problem of law, at least the crucial points, namely, first, the question of knowledge: Can law be respectable if it is not the work of wisdom? And secondly: Can law be at all respectable given the fact that in order to be truly just it would have to be of infinite flexibility, which is incompatible with the very essence of law? Those of you who have read the *Statesman* know that this is the great argument of the *Statesman*, and repeated also in the Third Book of Aristotle's *Politics*. Is law as such not irrational because of its fundamental inflexibility, and certainly inadequate flexibility? But the interesting point is that even in such an external dialogue, such a provisional dialogue, this issue comes up too. Or, differently stated, in the *Statesman* these terrible things and somewhat shocking things are stated [not] by Socrates but by a stranger from Elea. Here they are alluded to, at any rate, by Socrates himself. We must leave it at that.

[end of session]

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[1] Deleted "that."

[2] Deleted “that.”
[3] Deleted “as.”
[4] Deleted “it is.”
[5] Deleted “and.”
[6] Deleted “is.”
[7] Deleted “of.”
[8] Deleted “but.”
[9] Deleted “makes.”
[10] Moved “is” and “the question.”
[11] Deleted “there is.” Moved “say.”
[12] Deleted “it.”
[13] Moved “of Socrates.”
[14] Deleted “fact of.”
[15] Deleted “as.”
[16] Deleted “the.”
[17] Deleted “do not.”
[18] Deleted “this.”
[19] Deleted “in the origin.”
[20] Moved “cannot be rationally settled.”
[21] Deleted “that.”
[22] Deleted “him.”
[23] Deleted “But that.”
[24] Deleted “if you want to.”
[25] Moved “in Greek.”
[26] Deleted “whoever.”
[27] Deleted “what is.”
[28] Deleted “did.”
[29] Deleted “what are the grounds of conflict?”
[30] Deleted “the.”
[31] Deleted “not.”
[32] Deleted “what you have to do.”
[33] Deleted “on.”
[34] Deleted “And.”
[35] Changed from “But he compares now characteristically law not to the art.”
[36] Moved “we all would admit.”
[37] Deleted “slate.”
[38] Moved “anymore.”
[39] Deleted “to.”
[40] Deleted “and.”
[41] Deleted "that.”
[42] Deleted “to.”
[43] Deleted “to.”
[44] Deleted “then.”

Session 3: January 13, 1959

Leo Strauss:[i] [in progress] —the interlocutor never. In the *Hipparchus* it is just the opposite. The interlocutor swears three times, Socrates never. Now this fellow here in our dialogue is a bold fellow—you remember his statement about the old laws—an enlightened, daring fellow. And he is led back to the old code of Minos. In the *Hipparchus* we have the opposite kind of a man, a cautious and temperate young man. And he is brought to admiration for that Athenian tyrant. So the moderate fellow is taught a daring thing, and the daring fellow is taught a moderate thing. And this has the following principle. The Greek word for daring is *andreios*, manly, the male—maleness, literally translated. Now the male is distinguished from the female, and the Greeks had certain notions about the psychology of the two sexes, notions which I believe are still widespread in spite of certain publication, in which the male should be manly [inaudible] going out, and when he talks, talk loudly. And the woman should be at home and be silent—almost invisible, as Pericles puts it in his funeral speech. So this fundamental difference, the most fundamental difference within the human race, [between] male and female, corresponds somehow to the difference between courage and modesty. Modesty would also be in Greek *sōphrosynē*, which I translate by moderation.

Now,[1] however, the complication arises that we find this difference, certainly among the males: there are daring males and there are modest males. And the complete male human being would combine the two opposite qualities of daring and restraint in the proper way. But that is very rare, and therefore Plato sometimes [represents one or the other], for example, in the *Statesman* and *Sophist*: in the *Sophist* the interlocutor is Theaetetus, who is a moderate man, and in the supplementary dialogue, the *Statesman*, the interlocutor is the young Socrates, who is a daring fellow. But the most striking example is of course [in] the *Republic*, where Glaucon represents the daring and Adeimantus the modest, moderate type. The complete solution would be one in which both opposite qualities are identical, and that is possible only in one human activity, according to Plato: philosophy, or however you call it. Because the boldness of the philosopher consists in his caution, and his caution in his [inaudible]. Is this intelligible—that boldness can consist in caution, and really be identical with caution? Is this intelligible? Well, ordinarily we take many things for granted which we shouldn't take for granted. Now if you question that, in one sense it is an act of boldness, but in another sense an act of caution. In other words, you should not rush [in] where angels fear to tread. From this point of view. So that is also here in this dialogue, and I could give some other examples too of that. This is characteristic of the *Minos* and illustrates the relation of the two dialogues. Now let us read the end.

Reader: [Soc.:] "if someone should ask us what it is that the good lawgiver and apportioner for the body distributes to it when he makes it better, we should say, if we

[i] The transcript picks up in the middle of a comparison of features of the *Minos* and the *Hipparchus*.

were to make a correct and brief answer, that it was food and labour; the former to strengthen, and the latter to exercise and brace it." (321c)

LS: Is this clear? I mean, the trainer ascribes, assigns, to the body food and toil in order to increase the body by food and to train it and brace it by toil. Now the application of that to our case:

Reader:

> [Soc:] And if he then proceeded to ask us—And what might that be which the good lawgiver and apportioner distributes to the soul to make it better?—what would be our answer if we would avoid being ashamed of ourselves and our years?
> [Com.:] This time I am unable to say. (321d)

LS: Could you answer the question? What would he probably have thought? What is the food of the soul which makes it grow, and what is the toil of the soul which exercises it and braces it? It is interesting that you all hesitate. We all are in the same position as our friend here, the comrade.

Student: Knowledge on the one hand, and justice on the other.

LS: Something of the sort. Knowledge I think would be a sufficient answer from Socrates' point of view. But you would get into trouble immediately because he would say: Do you mean the knowledge which the carpenter possesses? No, of course not. That which the general public possesses? No. Then what is that kind of knowledge which you mean? And then you would get into other troubles. So it is as good to have it end here as one page later. Now the last sentence.

Reader: [Soc.:] "But indeed it is shameful for the soul of either of us to be found ignorant of those things within it on which its good and abject states depend, while it has studied those that pertain to the body and the other things."[ii] (321c-d)

LS: What is the practical meaning in the context of this end—that they do not know what the function of the legislator is?

Student: Well, they wouldn't go out politically and start condemning Athenian democracy.

LS: For example. But also, since the condemnation of Athenian democracy was only implied—and what was explicitly done[2]?

Student: The praise of Minos.

[ii] In the Loeb: "and the rest" for "and the other things."

LS: Minos. The praise of Minos has been made by completely incompetent people, sure. The whole argument must be repeated in a much more complete way, and then of course we have already our assignment for the *Laws*, that we must find out in the *Laws* what is it that the legislator has to assign to the souls of men?

And here, if you would look at this. The soul—our soul, he says. Our soul. Singular. And then he turns to the plural, souls. The souls. And it is implied that the soul has parts. And then you see at the end he speaks of the body in the singular. This reference is important only as a last reminder of this great question to which we found so many allusions throughout the dialogue: [the question of] one and many. The one soul and the many souls. And then if you look at the one soul of the individual, again a manyness—the soul has parts. With this hint or this reminder the dialogue closes. To repeat only this point: the question of one and many is crucial in the case of law because of the oneness of the law compared with the manyness of cases, for example. Now what is the status of this oneness as distinguished from the oneness of what some people would call a concept, a genuine concept? The concept as genuine concept is truly one. That is not in any way arbitrary. But the oneness of the law is based on a fundamental arbitrary abbreviation of the complexity of the cases. I believe we can leave it at that.

Student: Why did he specifically call this myth the tragic myth of Minos?

LS: Because it was apparently made, used by tragic poets.

Student: Well, I wondered why it couldn't be comic.

LS: What would you say?

Student: Well, I don't know. My thought is that tragedy has much more to do with friends and enemies, and to the extent that Minos had to be hated because he was an enemy, a conqueror, and the tragic poet served the *demos* which permits [inaudible] to go and see Minos would be as it were, freedom.

LS: You are quite right. If enemies, [foreign enemies], are presented[3] in the comedy, that is really never serious. The true enmity, say, between Athens and Sparta, becomes in a way mild if comically presented, whereas in tragedy the enmity in its full implications can be brought out until it leads even to killing and being killed.

Student: The tragedy is somehow necessary to [inaudible] that fundamental law of the city, or that fundamental difference between friends and strangers, friends and enemies, whereas comedy somehow relieves from that.

LS: That is true.

Student: And to that extent it would probably be another step in the connection of tragedy with something like the laws.

LS: Yes, but of course there is also one very simple consideration. The tragedy is taken much more seriously of course than the comedy, at least prior to some deeper considerations. And since we remain here altogether in a provisional understanding, tragedy, which is the most moving thing and at the same time [the] most pleasing to the many, remains . . . .[iii]

Student: But then [when] one thinks of slander and blasphemy, which is what[4] [Socrates] accuses[5] [the comrade] of, one thinks of comedy much more than one does [of] tragedy. And this fundamentally is what[6] [Socrates] accuses[7] [the comrade] of having done. It certainly wouldn't have appeared to be slander and blasphemy to anybody who read tragedy.

LS: But that leads further. Let me leave it at this remark. What is going on, in this dialogue at any rate, is absolutely untragic and has much more to do with comedy than with tragedy, and[8] this reveals the whole contrast [to be] a much deeper and richer contrast.

Student: And that comedy has a certain function in leading to a broader piety than a simply civic piety.

LS: Yes, yes. That is true. That is true, but that leads to a very long question in itself, and we may take this up when we discuss the *Banquet* on another occasion. Now is there any other question regarding the *Minos*?

Student: I was wondering what you think of the suggestion here. When[9] [Socrates] refers to the poets here he doesn't refer simply to the tragedians, but he refers also to poets of every kind. It seems in doing so he really casts doubt on Minos, because occasionally we find suggestions by Plato that poets were divinely inspired, particularly certain poets. Now this would be in opposition to the [giving of] inspiration by Zeus to Minos. It would also cast doubt upon those laws.

LS: Now you seem to have a special passage in mind. Can you tell me what it is?

Student: It is[10] [at 320e7-10]: "And this was the mistake which Minos made, in waging war on this city of ours, which besides all its various culture has poets of every kind, and especially those who write tragedy."

LS: "Poets of various kinds in other poetry as well as in tragedy." And what inference do you draw from that?

Student: Well, the inference I draw is that this casts doubt on the fact that one can trust the laws of Minos entirely. It seems to be an indication that Plato would be suggesting that since the poets are also divinely inspired, at least some poets are—

[iii] The transcript does not indicate whether LS continued his speech inaudibly or was interrupted by the student.

LS: But who says that they are divinely inspired?

Student: Various people say so. I think in the *Laws* I can recall one place where a reference is made which indicates the divine inspiration.

LS: Sure, that is said. Well, that is a great problem. You see, strictly speaking Plato doesn't say a thing. Never forget that. Say Socrates says it. Sometimes. But what does the same Socrates say in the *Republic* about poets?

Student: What does he say? Well, he says a number of things, not all of them terribly complimentary.

LS: Well, he goes so far as to say [that] a poet, or a painter for that matter, is the third removed from truth, so that a carpenter who makes the table is nearer [to] the truth than a painter or poet who celebrates that table. You can still call this in a way divine inspiration if you want to, but it is a very poor kind of divine inspiration. And what one can say is only this. One must consider every statement in its context if he wants to find out what Plato really thought about poets. Every utterance of Socrates has a clear meaning in the context. To what extent this meaning survives, if taken out of the context, we must see. That cannot be settled. But one point which you made is quite good. In this dialogue, at any rate, Homer and Hesiod are respected, are used. But we have seen that this use is a very problematic one. But still nothing is explicitly said against them. But the Athenian poets, the tragic poets, are rejected as witnesses. Is that not clear? I believe that what you were trying to do was this. The lawgiver is divinely inspired. The poets are not divinely inspired.

Student: The tragic poets.

LS: The tragedy, yes. But since Homer and Hesiod are at least externally accepted, we cannot draw any further conclusion from that. On the contrary, one could even say this: precisely this remark about tragedy could be taken to mean that whereas the highest achievement of the legislator could be said to lead the souls in the highest degree, he is not necessarily [the] one who pleases the people and makes them enjoy themselves. That is not the function of a lawgiver. But if there should be people who can combine both things—guiding the souls and making the souls enjoy themselves, as the tragic poet is said to do—could this not be a higher achievement than that of the legislator, if he can do both? But we know much too little about it to decide that. The tragic poets come in here primarily as Athenian poets who give utterance to an Athenian prejudice, which is not very good. You know, it is not the highest level. Perhaps if you think about this you will understand better this very strange and, in a way, absurd statement in the Tenth Book of the *Republic*, where the poets are said to be imitators of imitators, and perhaps even of other imitators—third removed—meaning that the poets are not something respectable, if that [their being third removed] is the last word. Plato contends that to some extent that is so, but he knows that it is not simply so. And I believe we will find in the *Laws* some evidence of a much more sophisticated judgment on poetry.

Student: In what sense?

LS: That the poets are in one sense subject to the polis, but in another sense, they are the rulers, the invisible rulers of the *polis*. And then they would appear in a different light.

Student: A more speculative question. If law is essentially irrational—

LS: In the sense defined?

Student: Yes, would you say that the philosophy of existentialism is presently focusing attention upon the specific situation rather than the law which has existed to guide behavior in specific situation? In other words, existentialism is peculiarly concerned with the specific rather than the laws.

LS: You mean with the individual case?

Student: Yes.

LS: Yes, but that would be a somewhat narrow view of the situation. One thing one could say in a very provisional discussion of that topic is that for existentialism the universal is derivative from the particular. Does this make sense? To illustrate this for one moment: if the broadest notion is that of being, being would always have a specific historical meaning and every universal occurring in any context has this historic[al] particularity or specificity, which alone makes it a meaningful term. That one could—in a provisional way, say. But the simple formula would be this: a complete disappearance of the nature of man. That is the simple difference between existentialism and Plato and Aristotle. One could then raise this question: Did not the nature of man also disappear from positivism? That is true, but somehow positivism doesn't know [that], hasn't given any thought to what that means. And the existentialists, at least the thoughtful existentialists, know what this means. That will become clearer, I think, when we study the first book of the *Laws*. There we will see the difference[11] [from] any particularly modern approach immediately. And with this remark I ask Mr. Kendrick to read his paper on that book.

[The student's paper is read.] [iv]

LS:. —good, but that is a sign that they are not really good. The first-rate states will always be characterized by this will to lord it over others, the will to empire.[12] Does Socrates meet it, and if he does, how?[v] Clinias, the Cretan, says: that is the nature of civil society; there is an undeclared war between all states. And everything else is foolish. Let us be hardheaded. Is Socrates hardheaded?

[iv] The reading of the student's paper was not recorded. The recording resumes after Strauss has begun his remarks on the paper.

[v] Socrates is of course nowhere mentioned in the *Laws* by name. Later in this session, LS corrects himself after referring to the Athenian Stranger as Socrates.

Student: Sure, he points out that it may well be that those who conquer may not be best.

LS: One could easily say that they will be licked; they may be very fine men in their way but they will be the slaves of the others who win the war. Is not winning the war the condition of everything? How would you have gotten freedom in the world if some peoples had not won revolutionary wars? What would have happened if Britain had won the war, and so on. Is Socrates hardheaded enough? How does he argue?

Student: Well, he struck me as not taking it on that level but rather taking it to another dimension and arguing with it there.

LS: Yes, but that is popularly called not meeting the issue.

Student: But in doing that he may meet the issue.

LS: How? We come to that. How does he argue?

Student: I think he most directly argues that since a larger state may defeat a smaller one and the smaller is better, that the goodness is the major concern. And if you relate that to his argument in the *Apology* that the evil man or the evil person can do no harm to a good person, you have the same thing.

LS: But you underestimate this enemy. He would question this distinction between good and bad. He would say: That is a superficial distinction. The deeper one is the power that exists in the survival of that society.

Student: I think he words it as follows. Obviously a victory [not] in the worst kind of war [but in] the best kind of war is the best sort of victory. And then everyone agrees that civil war is worse than foreign war.

LS: The power politicians, the real ones would admit that. But would they argue that we must have domestic peace, we must have conquered among the citizens, otherwise we won't win wars? But the real payoff is not the conquering but the winning of the war, the next war.

Student: But it seems to me that he is trying to say this. Okay, make this the principle, this imperialism, but if that is the thoroughgoing principle, then you have no security against civil war.

LS: Oh, no. What is Socrates's argument? Let us never forget that. Socrates says [that] what is true of the polis is true of the individual.[vi] And this the opponents would deny. They would say the conclusion from the goal of the city to the goal of the individual is not valid. That is the decisive point. The opposite position is this: of course you must

[vi] *Laws* 626c-d.

have a community which is[13] able to wage war and [has] all the moral qualities needed for that, such as concord, justice, and so on. They are of course necessary. But they are necessary for the purpose of conquest. The key issue is, I think, whether—as Plato and Aristotle contend—the goal of the individual and the goal of the city are fundamentally identical, and then[14] [Socrates's claim] follows, or whether they are different. And then [if they are different], a further argument is needed. We would have to see how he brings this about. So we must go into that and keep this in mind: whether he really meets that issue. That is of course the difficulty in every dialogue and also the charm: that Clinias, who is not terribly trained in these methods, gives in too early, in a way. For example, when Socrates says, "Then it would apply to the villages and not only to the cities," Clinias answers, "Of course." And Socrates says, "And it would apply to the individuals?" "Yes. Sure, even to the individual in himself." "What do you mean,[15] you strange fellow?" "Yes, don't we praise a man who defeats, who conquers himself?"[vii] So, war all around. War is the law of life. And the issue is not met at this point; it is met in some way, I admit that, but it is not met explicitly. We have to enucleate that.

Now to come to your other remarks, I can only say that it makes very much sense what you say, i.e., the movement from war to peace, from courage to moderation, from hearing to seeing, from public to private. And your remark was especially good that the divine goods, meaning the virtues, are here somehow presented as being in the service of the human goods, meaning the bodily goods. And this creates a difficulty. Are these truly the divine goods, if they are in the service of the human goods? That is a very important question which we must not, in any circumstances, forget.

The only point where I particularly disagreed with you concerns the remarks you made about *apoblepein*, to look away. But that means always, or almost always, to look away *from-toward*. And therefore, when Plato speaks of the looking toward the ideal, he very frequently calls this *apoblepein*. The point is this, which Mr. Kendrick made. For certain purposes, it is perfectly sufficient to look at the nature of the territory, for example, in order to decide the question whether this is good for infantry or cavalry; but for deeper considerations you have to look away from the territory, because that is a secondary consideration. But looking away from [something] doesn't mean [looking] into nothing but toward something, and it may very well be toward the most important things. That is the only point. Now let us turn then to a coherent discussion of the First Book. We shall not finish it today, but we have the opportunity to consider it again next time.

Now let us begin at the title. The title of the book is *Laws*. Now most Platonic books, as you know, have names of human beings as their titles. Titles of this kind are very rare. But there is one other book, which is particularly pertinent, which also has such a title. Which is that book?

Student: The *Republic*.

[vii] *Law* 626c-e. LS's loose paraphrase.

LS: The *Republic*, which in Greek is *politeia*. Now *politeia* and *nomos*; I translate *nomos* by law and *politeia* by regime, but that doesn't make any great difference. These titles suggest the following situation. The backbone, the primary, is the *politeia*, the regime—and with a view to the regime[16] you make the laws. To take a simple case, the regime is a democracy; then the good laws in a democracy will be laws conducive to democracy. You can easily see what this means if you think of consumer taxes, inheritance taxes, progressive income taxes and such nice things, education, and so on. So the laws which are of any interest are political in the sense that they have a reference to the regime. There are also purely technical laws. For example, regarding typhus and such matters, which would probably remain unchanged whatever the regime might be. For example, irrigation systems and so on, but these are not politically interesting. The politically interesting laws are all political, meaning they have something to do with the promotion of the regime, with the furtherance of the regime. We find in Cicero, for example, if I remember well, a suggestion to this effect, as regards the relation of the two books. The *Laws* deal with the laws pertaining to the regime given in the *Republic*. Now that is surely true of Cicero's *Laws* and Cicero's *Republic*, but not of Plato's. In Plato's case the relation is more complicated, and we must see later perhaps why this book is called *Laws* in contradistinction to the regime of the *Republic*.

The *Laws* are the only Platonic dialogue without Socrates, as you know. The chief speaker is a man called the Athenian Stranger. Why this is so perhaps we can find out in a slight[ly] roundabout way. The *Laws* is the only Platonic dialogue which begins with the word "god." God is mentioned in the first question raised by the Athenian and then twice repeated by Clinias. And some people in the past thought that this was one of the intimations in Pagan literature[17] [of the] trinity. I don't know whether you have heard that. Now this is of course extremely unlikely, and we can omit that. It is not theoretically impossible, but it is not something on which one could base any interpretation. Why is the *Laws* the only Platonic book beginning with god, with the word "god"? It is a strange but a necessary question, because it is very striking. Most dialogues begin with rather insignificant words, although not all. What is the beginning of the *Gorgias*?

Student: *Polemou*.

LS: You are right. That is a good beginning. War. But sometimes they begin simply with a particle, and not with any interesting word. But here is the most powerful word of the human language. How does one proceed here? I mean, if you tried to clarify that without speculation, empirically. Assuming as a fact, and I am willing to vouch for that, that [this is] the only Platonic dialogue which *begins* with "god," what is the alternative?

Student: The end.

LS: Is there any one which—

Student: The *Apology*.

LS: The *Apology of Socrates* is the only dialogue which ends with God. Now could there be a particular connection between the *Apology of Socrates* and the *Laws*? The first question.

Student: Oracles.

LS: Yes, but do oracles play such a particular role in the *Laws*?

Student: Well, they are the basis of both the Cretan and the Spartan legislation.

LS: I see. That is not a bad point.

Student: According to the oracles from that one—according to Homer, as you say.

LS: Very good. That is a good point. I didn't think of that. But there is another one which struck me more immediately. The *Apology* deals with Socrates' alleged crime. The crime, according to the *Apology*, consisted in impiety, because there was a law making impiety a capital offense in Athens. In the Tenth Book we will come across legislation regarding impiety. The Tenth Book is known in certain wide circles as a horrible document responsible for the institution of the inquisition in the Western world.[18] They say [that] because there is clearly something like—there are certain religious crimes which are capital crimes in the *Laws* too. The interesting question would be this: What is the relation of the impiety crime in the *Laws* to the impiety crime as existing in Athens? Permit me to say only this thing. In Athens, the capital crime consisted in denying the gods of popular belief; in Plato's *Laws*, the crime consists in denying gods whose existence can be demonstrated, a natural theology. That makes somewhat of a difference. In other words, Socrates would not have been condemned to death in the city of the *Laws*. That is one point.

Now after we have gone so far, let us take a further step. Now, I say again as a matter of fact that there are two Platonic dialogues the second to last word of which is "god"; there is no dialogue in which the second to the first word is "god." And these are the *Laches* and the *Crito*. Now the *Laches* is fairly simple. What is the subject of the *Laches*? Courage, manliness, and that is obviously very pertinent to this Cretan-Spartan atmosphere here. Courage, you know, being the guiding virtue. We can leave it at that. The *Crito* is much more interesting. The *Crito* is a dialogue in which Socrates is confronted with the proposition to escape from prison. There is a long deliberation about that, and a crucial part of this deliberation has this form: If I were to escape from Athens, and if I were to go where you, Crito, tell me to go, namely, to Thessaly, then[19] [there] are savages there—very wild people—and I wouldn't feel happy at all. Or if I would go to a lawabiding city, such as Megara, for example, then everyone would know me and I would be regarded as a fugitive from justice, and that is also not good. Now you see that that is an incomplete distinction. There are either cities in which he could live safely (from the point of view of his reputation) but they are lawless, faraway, or there are cities nearby and lawabiding, and then the very nearness would create a problem. The question is: Could there not be somewhere a lawabiding city far away?

In other words, the *Laws*, I suggest, is based on the jocular but not completely irrelevant premise: What would Socrates have done if he would have been compelled to flee from Athens? You mustn't forget the following point. Socrates does not simply state in the *Crito* that it is a categoric[al] imperative that you have to undergo punishment which you regard as unjust. That is suggested but not said. Here is a real deliberation, and one part of the deliberation is the age of Socrates: he is seventy. What would have been the situation if Socrates had been forty? We can disregard these subtle sub-questions, i.e., should he have fled before the trial? What did Plato do when he was in certain trouble? He also left and went to Megara and such places. So it is by no means a foregone conclusion and by no means a moral necessity for men like Socrates to stay in Athens with the prospect of being condemned to death. Under some circumstances that is the wise thing to do; under other circumstances it is not. It is a prudential decision, not a simple moral decision, i.e., the simple application of an unchangeable law. One can state the alternative as follows: What was wiser under the conditions when Socrates was seventy: to sacrifice his life so that the Athenians should get a bad conscience, and the whole position of the Athenians changed so that Plato's academy and Aristotle's lyceum would become possible later; or should he go away to a far-away country in order to sow there certain seeds of civilization which might grow up later? So I think it makes sense to consider this connection. Of course I know the classical scholars today would say that is impossible, because we know the *Crito* was written very early and the *Laws* were written very late. But who can know how Plato worked, whether he did not know when he was thirty or forty that when he was sixty or seventy, or maybe seventy-five, he would write the *Laws*?[20] Is it not imaginable that someone says, A certain subject can be properly treated only if you are old, and therefore I will not write it or begin to write it until I am old? We must not take the experience we have of these present-day writers to apply that to a man like Plato.

The dialogue begins, then, with this question: "Are your laws of divine origin or of human origin?" And Clinias says: "Of divine, of gods, of course, at least if we are asked to say what is most just."[viii] He doesn't say "what is most correct." The [following] sentence is also very elliptical, as you see: "For with us, Zeus, and with the Lacedamonians, I believe they say it is Apollo."[ix] There is no predicate to this "with us, Zeus."[21] Whether the Cretans *say* it is Zeus or whether Zeus *is* the legislator does make a difference. That question is left open. And then Socrates—excuse me, the Athenian Stranger . . . By the way, let me mention in passing, although this doesn't prove anything, that when Aristotle discusses the *Laws* in the Second Book of the *Politics*, he calls our man Socrates. I admit that doesn't prove it, but at least we [should] keep this in mind. The Athenian raises then this question immediately afterward, which properly translated would mean, "You do not mean to say . . ."—you expect the negative answer when you say that—"You do not mean to say according to Homer that Minos (and so on) did these things."[x]

[viii] *Laws* 624a. Strauss's translation.
[ix] *Laws* 624a. Strauss's translation.
[x] *Laws* 624a-b. Strauss's translation.

It is a Cretan assertion that these laws stem from Zeus. Then the Athenian rephrases the question without mentioning Zeus, as you have seen. He speaks of the father,[xi] which however, can be no one else but Zeus. There is no remark made about Minos' justice here. The Cretan, Clinias, praises Rhadamantus's justice; he doesn't say a word about Minos's justice. So we have the bare assertion that Minos, of whose moral and intellectual qualities we know absolutely nothing, is said to have given the laws to their city, to the Cretans. We are confronted with that, and there is an agreement between the Cretan stories and Homer, what Homer says. And Homer is of course a poet and poets do not necessarily convey the historical truth. In the sequel, in the first speech of the Athenian, the Athenian defines for the first time the subject matter, and this is said to be here the regime and the *nomos*, the laws. In other words, it is not limited to laws. That goes without saying. And also the setting is described. They walk from a Cretan city called Cnosus to the cave and temple of Zeus. What does this mean? This is not merely because Plato wanted [us] to have some ornament, [some flowers on our way, lest we lazy people, would not wish to read a treatise on law].[22] That has a very important meaning in the dialogue.

Student: Well, it could mean two things. It could mean that they are repeating the journey of Minos according to Homer's account, on the one hand, and on the other hand it might—thinking of Book Seven of the *Republic*—sum up that kind of endeavor.

LS: They go down to a cave. Yes, but still it is a cave of Zeus, a special cave. Let us not apply to it what is true of the cave in general. I would bring out what you mean in a slightly different way. But first let us hear this other question.

Student: Well, I was going to say that what it suggests to me is perhaps that they are going from the, you might say, hustle and bustle of the city, opinions, and so on, toward the enlightenment of the best.

LS: That is, I think, the most simple suggestion. But still, they go *up* to the sources or the source of the law, which is supposed to be here a very wonderful and good law to begin with. In other words, they try to reach perfect clarity, the clarity which they could not reach while remaining in the derivative, in the city, in the lowlands, so to speak. Yes, that is very good. But then we get another [piece of] information: it is hot. Later on it will prove to be the longest day of the year. Now what do you do on a hot day?

Student: Look for shade.

LS: Look for shade—in other words, for the absence of the sun, relative absence, for non-light. That's it. So we won't get perfect clarity! That will be mitigated. The desire for clarity is here mitigated from the very beginning by a desire for non-clarity. We must not forget that. I cannot possibly go into this question. Perhaps occasionally, when it is particularly striking. But that I think is also not brought out by this translation. The name

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[xi] *Laws* 624b.

of the Athenian never occurs. He is always addressed as "Stranger." A fellow called Taylor, a very famous British classical scholar, has such expressions as "Sir" or "My good sir," which, while very British, leave something lacking. The interesting point is that it has a meaning when Clinias says "You, Stranger," namely, when the Stranger, by an utterance of his, reminds[23] [Clinias] of the fact that he is a stranger. But this is only in passing.

And now the first substantive question is raised. It concerns three subjects. The Athenian is interested in the Cretan divine legislation, and three subjects strike him most: the common meals, the gymnasia, and their military equipment,[xii] which deviate from that of other cities. Clinias answers his question in a fairly long speech, in which he answers two questions, the questions regarding the military equipment and the common meals. He doesn't explain the gymnasia. But just to show how these little things are done, that will come out only in the Greek. If you turn to 626b5, the Athenian in his answer says: "You seem to be well trained (*gegumnasthai*) [24][in] the understanding of the usages of the Cretans." You see, the Greek word which we translate "training," *gumnasein*, or *gymnasion*, is the training place meant originally. What is the root of that?

Student: *gumnos*, naked.

LS: Naked. To strip. Of course you strip for training. But it has for this reason also the other meaning, and therefore in some countries of the world high schools are called gymnasia—and in Plato somewhere the Pythagorean school is called a gymnasium. There can be a training and stripping of the mind. This stripping of the mind takes place not only in examinations, where it is the idea of an examination, i.e., that someone be examined to see what his mind looks like without any disguises, without any artificial helps of any sort. Now what is then the answer of Clinias? We have heard this. In Crete everything is organized with a view to war, for there is always war of all men throughout life, continuous, against all cities. But it appears that this is a war not primarily of everyone but primarily of city against city. This is stated in a repetition in the same context: this war is according to nature. And the question concerns [this], then, throughout the First Book and beyond: What is according to nature? The two opposite views appeal equally to nature; that is the common ground. And the question is, of course, who has the proper understanding of nature[25]—these people who say war is the fundamental phenomenon, or those who deny that. Then Socrates discusses this argument, this proposition, in the following way: if war is really the universal phenomenon, it must be found on all levels. Not only on the level of city vs. city, but ultimately even on the level of individual vs. individual, and even within the individual himself. The individual must be characterized by conflict. And Clinias accepts this, and says "Yes, for do we not praise people who control themselves, who vanquish themselves?" And this is even regarded as the first and best victory. You see, what happens is this: Clinias succeeds in formally preserving his thesis—universality of conflict—but in fact he changes the thesis, because self-control as distinguished from licking others becomes an important consideration. So without knowing it, he makes a

[xii] *Laws* 625c.

transition from mere courage to self-control, temperance, moderation. He is not aware of that.

Now[26] [in] a somewhat later passage the subject matter is still more precisely defined (627c8 to d7). Will you read that?[27]

Reader:

> [Ath.:] And moreover, it would ill beseem you and me to go a-chasing after this form of expression, that if the bad ones conquered the whole of this family and house, [they] should be called "self-inferior," but "self-superior" if they were defeated; for our present reference to the usage of ordinary speech is not concerned with the propriety or impropriety of verbal phrases but with the essential rightness or error concerning laws.[xiii] (627c-d)

LS: Why does he say essential?

Student: Well, he leaves out "whatever it is by nature."

LS: That is the terrible idiocy of these translators. They completely destroy the meaning: "is concerned with the correctness and mistakenness of laws, what it is according to nature." This is a reference back to a remark where Clinias had appealed from the mere words—men talk all the time of peace and that is nothing; the real thing is war—he had appealed from the words to what is, to nature. And the Athenian Stranger takes it up: "Indeed, we are not concerned with words here; we are concerned with nature." And the question which we raise regarding laws concerns what is the natural difference, the natural standard for laws, by virtue of which we can distinguish non-arbitrarily between good laws and bad laws. That is the theme of this Book, of the whole book in a way. The whole book tries to elaborate these natural standards. In the sequel (the next longer speech) there is a difficulty of some importance. To see the background: there is enmity among brothers and we look for an arbiter or judge.

Reader: [Ath.:] "Which of the two would be the better—a judge who destroyed all the wicked among them and charged the good to govern themselves, or one who made the good members govern and, while allowing the bad to live, made them submit willingly to be governed? And there is a third judge we must mention (third and best in point of virtue)—"[xiv] (627d-e)

LS: What does he say? Third in point of virtue, third with a view to virtue.

Reader: [Ath.:] "if indeed such a judge can be found,—who in dealing with a single divided family will destroy none of them but reconcile them and succeed, by enacting laws for them, in securing amongst them thenceforward permanent friendliness." (627e-628a)

[xiii] In the Loeb: "wrongness" for "error."
[xiv] In the Loeb: "in point of merit" for "in point of virtue."

LS: All right, this is the third best—[he] who establishes law. Why is it the third, and what is the difference between him and the second?

Student: Well, the third is the lawgiver.

LS: But the third best only. What about the second best? What does he do?

Student: It makes the worse willingly submit to the rule of the better.

LS: But that is not quite clear. Please make it quite clear what is implied about the third. The third is rule of laws, but not the rule of the good ones. In other words, under the rule of laws the good and bad ones have equal opportunity, provided they remain within the laws. And what about the first? If we follow the external order, what would be the first?

Student: To get rid of the bad ones entirely.

LS: Yes, he destroys them. That seems to be atrocious, but let us not be rash; let us consider it for one moment. What would be the advantage of this possibility mentioned in the first place?

Student: To start over.

LS: No.

Student: But in the *Republic*—

LS: The complete absence of bad ones. Would this not be the best? I mean, the best solution would be a society consisting only of good men. Failing that, a society in which the good rule the bad. Failing that, a state in which the law rules the good and bad equally, and gives the good ones some edge.

Student: [Inaudible]

LS: I see. Then we would reach this very strange conclusion that Plato inverted the order: the third remains the last, the most inferior, but[28] the highest is at the center. I would not be shocked by that.

Student: The first possesses theoretical perfection, but calls for—

LS: Yes, sure. Who should obey, who should do the dirty work?

Student: I don't know. Perhaps in the third one listed here the judge who reconciles them and who is best from the point of view of virtue, is therefore first in the order of merit and virtue. And why is he first? Because in instituting laws for these people, he has in a sense made the bad ones good.

LS: Yes, but he said[29] [he was] third with a view to virtue.

Student: Then there is a mistranslation. He says "third and best in point of merit."

LS: The thought is strange, and the simplest thing to do is to dispose of the strangeness by your translation. That is true, but it is of no help. No, no, I think we have to take this literally. And there is so much evidence to support that view in other Platonic dialogues to see that it is not strange from Plato's point of view; it is strange from the translator's point of view.

Student: Is this indication of the three arrangements somewhat analogous to the ranking of the *Republic*, the *Statesman*, and the *Laws*?

LS: Sure, there is something to that. And there are statements in the *Laws* which are as harsh as this one; you know, cutting off. Plato doesn't go beyond that, if I remember well. Theoretically one must admit that a society in which there are only good men is much preferable to one in which there are also bad men. But since this is—[xv]

—Now what does this mean? We have to understand that. We have seen in the argument which we have not read now, that precisely since self-control, the victory of the individual over himself, is so important and, connected with this, that peace is higher than war, the true aim of the legislator would not be war but peace: meaning not the use of the individual for winning wars but to build up the individual in himself as a good human being. But from this point of view, what would follow? Well, it would be too bad for Sparta and Crete, of course, because as we know, as we have heard from the horse's own mouth, these laws are directed toward war only. Consider for one moment the situation. An anonymous stranger, an old man as we shall see later, has arrived in Crete, and then he has a conversation about what is nearest and dearest and most sacred to the Cretans, namely, their laws. And within a very short time (even if they speak very slowly, about twenty minutes, I guess) they reach this conclusion that the laws of Crete are fundamentally rotten because their goal, end, is not the true end. It is a very difficult situation for both sides, assuming some delicacy. And here we find the first reaction already. Now what does the Athenian now do?

Student: He takes up the poets.

LS: Why does he do that?

Student: Well, it is kind of neutral or common ground.

LS: In other words, he takes a substitute enemy. Let us assume that Minos is his enemy. I mean, not on low grounds. Minos is the real opponent with his false principle; and Lycurgus, too. Then he takes a substitute enemy, and the substitute enemy is the poet, a

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[xv] There was a break in the tape at this point.

man without authority. In addition, this particular man, Tyrtaeus, was, as he stresses, an Athenian by birth. So he remains within his home territory and doesn't enter territory where he has no rights. But indeed he became a Spartan and he was the great praiser of courage in war and of the warrior. So we do not attack[30] Minos and Lycurgus [anymore], but we attack this fellow citizen of ours, Tyrtaeus, who however became an expatriate in Sparta. And who do we bring in? Because he will not even attack Tyrtaeus in his own name, he brings in another poet. You can beat a poet only by a poet. Differently stated, he is a witness, an authority, and an authority cannot be fought except by a counter-authority. And that is another poet, Theognis. And where does he come from?

Student: From Sicily.

LS: Yes, from Sicilian Megara. Megara was very well known as an enemy of Athens; you know, a city close to Athens. The Peloponnesian War started because of that Megaran affair. So it reminds us a bit of that enemy of Athens, but it is not that real enemy; it is that Sicilian Megara, which is something far away. So first there is a fight between one poet, Theognis, who praises virtue complete and not merely the virtue which every hoodlum and every storm trooper possesses. Using somewhat different terms,[31] [the Athenian] says mercenary soldiers. That is a thing which is not[32] to be praised [highly]. Now in this connection he gives the first statement about the standards. (630c, at the end of the speech).

Reader:

> [Ath.:] Plainly it is this: both the Heaven-taught legislator of Crete and every legislator who is worth his salt will most assuredly legislate always with a single eye to the highest goodness and to that alone; and this (to quote Theognis) consists in "loyalty in danger," and one might term it "complete righteousness." But that goodness which Tyrtaeus specially praised, fair though it be and fitly glorified by the poet, deserves nevertheless to be placed no higher than fourth in order and power.[xvi] (630b-c)

LS: Now we get here the first notion, although the term nature is not here used, of this natural standard. There is a hierarchy, a natural hierarchy, of the virtues. The highest place is occupied by complete virtue, as he calls it, by complete justice. And courage has the lowest place. What are two and three?

Student: Moderation.

LS: Temperance and moderation are the same. I believe that prudence, practical wisdom, has a higher place. No, no. Moderation and then prudence. Does this remind you of something? Courage, moderation, and, at the top, complete justice. *Nicomachean Ethics*. In the *Ethics* Aristotle begins with courage, goes over to moderation, and then [to] the moral virtues, and [ends] with complete justice, the all-embracing social virtue. And then Aristotle brings in the intellectual virtues, among which prudence is one, later. But

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[xvi] In the Loeb: "fourth in order and estimation" for "fourth in order and power."

Aristotle here simply follows the Platonic fundamental conception. So that is now the standard. Of course that is not proven here. What does he do? He quotes certain verses from Theognis. Now if you understand these verses, you are reminded of certain things which you have observed also on other occasions, and thought out. And if you articulate that, then you have the proof which is possible here. The proof is not explicitly given.

Student: I was just wondering. This isn't quite the same as Aristotle's.

LS: Not quite the same, but it is akin.

Student: I was confused because Aristotle distinguishes between this complete justice and the narrow sense of justice, and also he would—although I am not quite sure of this, some would say that complete justice or all the virtues in combination is the crowning virtue.

LS: So would Aristotle himself.

Student: [Of] which prudence is in a sense, the sum, because . . . .

LS: Yes, that is made clear—that in Aristotle's view prudence enters everywhere. But Plato takes here a much cruder view. He understands by courage something which Aristotle would never admit to be courage. I mean, that which the mercenary soldier or the hoodlum has is not courage. Strictly speaking, it is a kind of courage, or rather an [appearance] of courage, a reflection of courage. Still, it is nevertheless important for the understanding of Aristotle's *Ethics* that the sequence of the virtues there is not arbitrary. Justice in the wider sense, as Aristotle I believe calls it, is *the* social virtue, that is to say, the virtue which embraces all other virtues insofar as they refer to the others. Justice in the narrower sense has to do with distribution and commutation—I mean, with mine and thine on all levels. Nevertheless one could say from Aristotle's point of view that justice in the narrower sense is a higher virtue than courage and temperance. Why?

Student: It needs other people to practice it on, whereas you can be temperate alone.

LS: No, that is another question. A very important question, and Aristotle would say that ultimately the virtues are inseparable if they are understood in their full sense. But I think the notion guiding the Aristotelian order is the intellectuality of the virtues. Now justice, not in simple cases—whether one should snatch a purse or not—but in more complicated cases as the judge especially must practice, is of course a more intellectual virtue than courage and temperance. So that would not be totally alien to Plato, although it is not the same.

Now to repeat, this is the standard—complete justice at the top and courage at the bottom. But Plato speaks here very popularly. This is courage in the vulgar sense, not in any refined sense. Now what is the consequence from this regarding Crete or Sparta? You know there is a Spartan present who is very reticent. Spartans were known to be laconic, and as long as possible he leaves it at "yes" and "no." But later on, he is simply

dragged in because his national honor is at stake. Sparta is attacked, and then he must of course talk. But he is very reticent, whereas the Cretan is a much glibber fellow and much less solid and sturdy and reliable. The Cretans were known in classical antiquity for being liars. You know that plays a great role in logic. A Cretan says all Cretans are liars. That leads to a certain difficulty. If he is a liar, then the statement too is wrong, and so on. That has been frequently discussed. But to come back. Both Crete and Sparta are under attack. What does Clinias say here (630d, near the beginning)? "Oh, Stranger, we throw our legislator away into the remote legislators."[xvii] Which means, we throw him into the farthest corner; he is a very poor legislator. What does the Athenian say, in his niceness?

Reader: [Ath.:] "Not so, my good sir,[xviii] it is ourselves we are degrading, in so far as we imagine that it was with a special view to war that Lycurgus and Minos laid down all the legal usages here and in Lacedaemon." (630d)

LS: So in other words, what is said is that no criticism is implied. But why not? Why not? We have been told the aim of Crete and Sparta is war, and we have learned that this is a very poor legislation which doesn't go beyond war and courage. And so on.

Student: Well, he is saying then that Clinias and Megillus don't know what they are talking about. Really the laws are okay. but their interpretation of the laws is wrong.

LS: So in other words, he appeals from an interpretation of the laws to the true meaning of the laws?

Student: And he switches then from degrading the lawgiver to degrading Clinias and Megillus, and that is a lesser thing.

LS: That is so. In other words, we come now to a question which in Mr. Mahdi's[xix] language would be called [hermeneutic], a question of interpretation. We have to discover the deeper meaning of these laws, the idea being that these laws are god-given and therefore they *must* be good. And if they appear to be bad, that is only the appearance and we have to dig deeper. And now Clinias doesn't know how to do that, as the next question says: "How then must we speak?"

Reader:

> [Ath.:] In the way that is, as I think, true and proper when talking of a divine hero. That is to say, we should state that he enacted laws with an eye not to some one fraction, and that the most paltry, of goodness, but to goodness as a whole, and that he devised the laws themselves according to classes, though not the classes which the present devisers propound. For everyone now brings forward and

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[xvii] *Laws* 630d. Strauss's translation.
[xviii] In the Loeb: "Nay, my good Sir"
[xix] Muhsin Mahdi (1926-2007), a scholar of Arabic and Islamic history, philology and philosophy. A student of Strauss's, Mahdi received his Ph.D. from the University of Chicago in 1954.

> devises just the class which he needs: one man deals with inheritances and heiresses, another with cases of battery, and so on in endless variety. But what we assert is that the devising of laws, when rightly conducted, follows the procedure which we have now commenced. Indeed, I greatly admire the way you opened your exposition of the laws; for to make a start with goodness and say that was the aim of the lawgiver is the right way. (630d-631a)

LS: Of course. That is already a polite improvement on Clinias. By implication[33] when he said war he said the virtue of war also, but he didn't do it explicitly.

Reader:

> [Ath.:] But in your further statement that he legislated wholly with reference to a fraction of goodness, and that the smallest fraction, you seemed to me to be in error, and all this latter part of my discourse was because of that. What then is the manner of exposition I should have liked to have have heard from you? Shall I tell you? (631a-b)

LS: Now before we turn to the next passage, let us understand this one thing. The subject matter is laws and the regime, or rather the regime and the laws. But it is also defined [as] the natural principles of rightness or wrongness of laws. And what does that mean, the natural principles of the rightness or wrongness of laws? We get now some notion what that is. What is *the* point of view in the light of which we have to consider laws?

Student: Virtue.

LS: Virtue. Since this word is today disliked by many people or unknown to them, for that matter, let us say first human beings, the quality of human beings which the law fosters. That is the decisive consideration, and all laws which have no direct relation to that are bound to be secondary or tertiary in importance, and can only be judged ultimately with a view to these guiding things. The function of the legislator is to make or to produce, as far as possible, good men. That is axiomatic for Plato as well as for Aristotle. Now we have to get the more specific definition in the following speech.

Reader: [Ath.:] "'Oh, Stranger' (thus you ought to have said)—"

LS: You see, now he turns into Clinias. How a properly trained Clinias, a Clinias who had been brought up in Athens in the proper surroundings, would have spoken.

Reader:

> [Ath.:] "it is not for nothing that the laws of the Cretans are held in superlatively high repute among all the Hellenes. For they are true laws inasmuch as they effect the well-being of those who use them by supplying all things that are good. Now goods are of two kinds, human and divine; and the human goods are dependent on the divine, and he who receives the greater acquires also the less, or else he is bereft of both." (631b-c)

LS: No, the city, the city which acquires the greater. But let us not quarrel about that.

Reader:

> [Ath.:] "The lesser goods are those of which health ranks first, beauty second; the third is strength, in running and all other bodily exercises; and the fourth is wealth—no blind god Plutus, but keen of sight, provided that he has wisdom for companion. And wisdom, in turn, has first place among the goods that are divine—" (631c)

LS: Practical wisdom.

Reader: [Ath.:] "'and this is a moderate [. . .] of soul—'"—[xx] (631c)

LS: No, that is badly translated, I would say.

Student: He says rational temperance, but I—

LS: Well, I would say "the second after intelligence [*nous*] is a moderate habit of thought."

Reader: [Ath.:] "'from these two, when united with courage, there issues justice, as the third; and the fourth is courage. Now all these are by nature ranked before the human goods, and verily the lawgiver also must so rank them.'" (631c-d)

LS: You see, the natural order of the virtues is the standard for the legislator, and one couldn't state it more clearly form Plato's point of view.

Student: One question of translation: why do you translate "after" [in "*after* intelligence is a moderate habit of thought"]? Why do you read *meta noun*?[xxi]

LS: Because *meta noun* is the reading of the best manuscript, if I remember. Let me look it up. That is c7? Yes, the best manuscript and Stobaeus have *noun*, and *nou* only in Eusebius. And let me see what happened in line 6. No, no, that is clear; that is the reading of the best manuscript. Why should we deviate from it? In other words, what he does, [and what has disconcerted them], is this:[34] that he tacitly identifies here *phronēsis*, which is usually translated [as] practical wisdom, with *nous* (intelligence), which of course is possible in such a provisional discussion. But let us consider that for one moment. We have a change now of order. We have now at the top practical wisdom or intelligence, and then we get moderation, and then we get a mixture of practical wisdom, moderation

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[xx] In the Loeb: "and rational temperance of soul comes second." Perhaps the student was trying to translate from the Greek himself.

[xxi] In the Loeb: *meta nou* (*nous* in the genitive), which would translate as "with intelligence." LS indicates a preference for the ms. reading that has *nous* in the accusative, *meta noun*, "after intelligence."

and courage—and that is called justice—and then we get courage. That is a nice problem, to find out how they are related to each other. The only thing which is identical is courage, here in the fourth place. Why this [LS points to the blackboard] should be lower in rank than moderation alone is a very hard question. Only in this case, however, does he say it is a natural order. Here [pointing again] he didn't say that. That is one of the many nice problems one has to answer in studying Plato. Now one point one has to consider here is that there is a parallel regarding the human goods. What are they? This is perfectly rational: health, beauty, [strength, and wealth]—or is it perfectly rational? That health should go first I believe everyone would admit. But whether beauty should come prior to strength could already be argued.

Student: In the *Gorgias*, beauty comes first.

LS: Still, it is a question. Think of it in practical terms. And that wealth comes last is perfectly sensible because it is external, it has nothing to do with the body except as an instrument. So that these two [LS points to the blackboard] should be related makes some sense if you think of the importance of a certain kind of restlessness in order to get money. And that the health of the soul should consist in the condition of the mind proper, whether we call it practical wisdom or whether we call it by another name, also would make sense. This makes a nice question to figure out. It is not easy but I believe it can be done.

Now there was one more passage. I would like to follow now only the external argument. We must understand this much. There must be an order of the virtues which guides the legislator. Now he speaks about the laws. Let us read the sequel.

Reader: [Ath.:] "'Next, it must be proclaimed to the citizens that all the other instructions they receive have these in view; and that, of these goods themselves, the human look up to the divine, and the divine to intelligence as their leader.'"[xxii] (631d)

LS: You see, that is emphasized: the leader of everything is intelligence of mind. That is absolutely emphasized, so there can be no ambiguity about that. And now he speaks about the laws, what the subject matter of the laws is as distinguished from the principles. Continue.

Reader:

> [Ath.:] "And in regard to their marriage connections, and to their subsequent breeding and rearing of children, male and female, both during youth and in later life up to old age, the lawgiver must supervise the citizens, duly apportioning honour and dishonour; and in regard to all their forms of intercourse he must observe and watch their pains and pleasures and desires and all intense passions, and distribute praise and blame correctly by means of the laws themselves." (631d-632a)

[xxii] In the Loeb: "to reason as their chief" for "to intelligence as their leader."

LS: It[35] [says] praise and blame? He says blame and praise. But that is only a little point, that they think these can be changed at will. Now this is the first class of the subjects of legislation, which begins with marriage, [and] extends then to all love in the widest sense of the term, we also can say desire, the regulation of desire. Now the next point.

Reader:

> [Ath.:] "Moreover, in the matter of anger and of fear, and of all the disturbances which befall souls owing to misfortune, and of all the avoidances thereof which occur in good-fortune, and of all the experiences which confront men through disease or war or penury or their opposites,—in regard to all these definite instruction must be given as to what is the right and what the wrong disposition in each case." (632a-b)

LS: No. The key words are the noble and what is not noble [not "the right" and "the wrong"]. Now up to this point this refers to the first subject matter, the subject matter of temperance or moderation, then the subject matter of courage, and these are taken together under the overriding heading, the noble and the base. Now we come to the third.

Reader:

> [Ath.:] "It is necessary, in the next place, for the law-giver to keep a watch on the methods employed by the citizens in gaining and spending money, and to supervise the associations they form with one another, and the dissolutions thereof, whether they be voluntary or under compulsion; he must observe the manner in which they conduct each of these mutual transactions, and note where justice obtains and where it is lacking." (632b)

LS: Yes, the just and what is not just. Here it is no longer the noble and base but the just and unjust. Here we deal with justice. Continue.

Reader:

> [Ath.:] "To those that are obedient he must assign honors by law, but on the disobedient he must impose duly appointed penalties. Then finally, when he arrives at the completion of the whole constitution, he has to consider in what manner in each case the burial of the dead should be carried out, and what honours should be assigned to them." (632b-c)

LS: Now why is that the end of the regime, the end of the *politeia*? You see, he began with birth, with marriage, and he ends with death, because when we die our political life (*politeia* can also mean the political life) surely ends. So it follows that the whole course of life must be covered by legislation. So we have three virtues here: temperance, courage, justice. And then?

Reader:

> [Ath.:] "This being settled, the framer of the laws will hand over all his statutes to the charge of Wardens—guided some by wisdom, others by true opinion—to the

> end that Reason, having bound all into one single system, may declare them to be ancillary neither to wealth nor ambition, but to temperance and justice." (632c)

LS: So you see, that is the last word. The *nous*, intelligence, binds all these things together as ancillary to moderation and justice. But that has a crucial implication. In this dimension mind, intelligence, is subservient to moderation and justice or, to use an Aristotelian term, to moral virtue. That is the difficulty to which you pointed in your report—that the divine goods are subservient to the human goods. This is repeated on a higher plane by making the mind subservient to the moral virtues, and that points therefore to a perfectly adequate solution in which the mind is not subservient to anything lower than itself, and that would be wisdom.

Student: Here is where he says the so-called laws of Zeus.

LS: In the immediate sequel? Sure, that is quite correct. Now if you read only the end of this speech, and then we stop.

Reader: [Ath.:] "In this manner, Strangers, I could have wished (and I wish it still) that you had fully explained how all these regulations are inherent in the reputed laws of Zeus and in those of the Pythian Apollo which were ordained by Minos and Lycurgus." (632d)

LS: Yes, that is all we need. You see, in other words, the legislators were Minos and Lycurgus; the other is mere claim, unsupported claim, which we can dismiss. And in the next speech the Athenian Stranger says: We have now disposed silently of the claim to [the] divinity of these laws, and we begin now with the serious question of what the standards of legislation are, which have been sketched up to now. But let us keep this point in mind. That is so easy to overlook, and you see how it happens—you have seen it with your own eyes. It is primarily the fault of the translators, who speak of essential rightness where Plato says rightness according to nature. That they do all the time. And therefore the whole discussion whether Plato was a teacher of natural right or not is usually decided in the negative, not merely because of the translations but because of the mind of the translator, the prejudices with which the translators comply in making their translations. The word nature doesn't make sense to them, and therefore they substitute another term.

Student: It might be noted that Jowett uses the adjective "natural" in this particular place.

LS: I'm glad to hear that. As far as the *Republic* is concerned I always found Shorey's translation to be the best. Bury is less satisfactory and Taylor is still less satisfactory. But you think Jowett is the best for the *Laws*?

Student: I haven't gone over it completely, but three or four years ago when I did more work on it I came to the conclusion that Jowett was the best.

LS: Well, it is a very cheap and in a way unworthy triumph to criticize these translators, one reason being that it is very hard to do any translation. Those who do not undergo this terrible hardship are in the position of backseat drivers. That is a bit unfair. But apart from that, when the word *physis* occurs in the Greek text it is very easy to translate [it] in English [as] "nature."[36] But that does not of course guarantee that one understands that. The translators express, by their wrong translations, the very great difficulty which modern men have in understanding what Plato means by nature. When Plato speaks of the idea of justice, that they translate without any difficulty, because the word "idea" has been recoined by Locke and it has become a very common word in English and the other modern languages. But that Plato means by the idea of justice exactly the same [as] what he means by the nature of justice, and when speaking of natural justice he means the idea of justice—that is, to begin with, wholly unintelligible. But we can understand it best by starting from this observation: there is according to Plato a nature of man, and this nature of man points to its specific perfection. If you know what a man is, you have the decisive indication as to what a good man is. And that is not an arbitrary value system but it is as much determined by the nature of man as the goodness of a horse is determined by the nature of a horse. And that is the indispensable first step one must take in trying to understand Plato's doctrine of laws.

Now next time I think we will devote the whole meeting, which is not very much, for a discussion of the rest of the First Book. And if you re-read it, and find important difficulties which are perhaps soluble, bring them up by all means.

[end of session]

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[1] Deleted "then."
[2] Deleted "was what."
[3] Moved "foreign enemies."
[4] Deleted "he."
[5] Deleted "him."
[6] Deleted "he."
[7] Deleted "him"
[8] Deleted "that."
[9] Deleted "he."
[10] Deleted "on page 419."
[11] Deleted "to."
[12] Deleted "how."
[13] Deleted "capable."
[14] Deleted "it."
[15] Deleted "Socrates." (Comparing LS's paraphrase with the text suggests that LS meant to indicate not a question posed *to* Socrates, but the question that Socrates posed to Clinias, given in the Loeb as "What do you mean, my admirable sir?" at 626e1.)
[16] Deleted "do."
[17] Deleted "to."
[18] Moved "that."
[19] Deleted "these."
[20] Changed from "will be . . . will write the *Laws*."
[21] Deleted "whether they *say* it is Zeus or whether it *is* Zeus, which is a difference."
[22] Changed from "lest we lazy people, wishing to read a treatise on law, should have some flowers on our way."
[23] Deleted "his."

[24] Deleted “for.”
[25] Deleted “whether.”
[26] Deleted “is.”
[27] Deleted “page 13, second paragraph.”
[28] Deleted “that.”
[29] Deleted “the.”
[30] Moved “anymore.”
[31] Deleted “he.”
[32] Moved “highly.”
[33] Deleted “he did.”
[34] Moved “and what has disconcerted them.”
[35] Deleted “doesn’t say.”
[36] Changed from “it is very easy to translate – when the word physis occurs in the Greek text – in English nature.”

Session 4: January 27, 1959

Leo Strauss: [in progress] —society which ever existed who left it at saying "We are a gang of men who have banded together in order to lord it over others, and that is all there is to it." That is somehow impossible. The very authority which the city claims in punishing gangs presupposes that the city is not merely stronger than the gang[1] [or] gangs, but qualitatively different. That is so. How this has to be ultimately understood is a long question. But one cannot disregard this fact: this is what they call now a need for ideology (which is a terrible word and a very misleading word). Gangs do not need ideologies, if we use this language. This much about the primary argument of the *Laws*. So war cannot be *the* end of civil society, there must be something else.

But what is the general theoretical notion which is used in this analysis? We have seen that. They are concerned with the natural correctness or wrongness of laws. The standard "natural," means here (primarily, although that does not exhaust the meaning) nonarbitrary. Are there any standards of the correctness or wrongness of laws which are not arbitrary, which do not themselves depend on arbitrary preferences of individuals or of societies? Societies are the same thing. If we would say [that] we measure the laws by the values adopted by our society, then the question arises: What are the bases of the values of your society? Natural means something which is radically nonarbitrary. And in the later discussion it appears that this nonarbitrary [something] has to be sought above all in the quality of human beings, or in virtue. Laws are good to the extent to which they are productive of good men. That does not literally apply to all laws, but ultimately to all laws. For example, there are purely technical laws which do not have any direct relation to the goodness of men. But the interesting laws all have to be viewed in the light of this ultimate consideration. It is then implied that[2] the distinction between virtue and vice and the meaning of virtue and vice is a natural and nonarbitrary one.

I think the principle is familiar to us. Even today if someone would say the most important function of laws is to produce, or to be conducive to the being of a nice kind of men, this would still be sound reasoning. But the difficulty arises because there is a variety of these good qualities. And the requirements of these different qualities differ, maybe are opposed. For example, when we speak of goodness that means decency in the ordinary sense of the term, without any sophistication. But people praise not only decency when they speak of human beings, they also praise what they call creativity. Now not every decent man is creative, and not every creative man, unfortunately, is decent. These are two different requirements. Also people use as a term of praise "the intellectuals." There may be a society of decent men which doesn't include a single intellectual, yet the possession of intellectuals is supposed to be a quality of a society. You can see the difficulty in the famous case of Henry Wallace.[i] Henry Wallace was very much concerned with the common man, but his friends, when they wanted to praise him,

[i] Henry Wallace (1888-1965), thirty-third Vice President of the United States (1941-1945), delivered a speech made famous by the phrase "Century of the Common Man" in May, 1942 to the Free World Association in New York City.

didn't say Henry Wallace is a common man: they said he is an uncommon man. So in other words, commonness and the quality of common decency is one thing, but it is not the whole story.

Now this fact that there are various virtues, and virtues the requirements of which possibly conflict, leads to this notion:[3] if there is to be nature in these matters at all, [must there] not be an order, a hierarchic order, of the virtues? And if there is such an hierarchic order there must be of course an overriding point of view by virtue of which the hierarchic order is made. Now this is a subject which we have discussed to some extent last time, but I think I can state it now a bit more clearly. Now the first statement was this: that there are four virtues. The first is perfect justice (or complete justice) which means justice together with moderation together with prudence and courage. Then [comes] prudence, then moderation, and then courage, or manliness. Here in the first enumeration (630a-b) it is not quite clear whether this prudence precedes moderation or vise versa. Then a bit later we get the following scheme, a more detailed scheme,[4] in 631d-e. Only in the second case does the Athenian Stranger explicitly state that this is a scheme according to nature. There he distinguishes between the human goods and the divine goods.[5] [The human goods] are health, beauty, strength and wealth, in descending order, of course. And here [as the divine goods] we have prudence (or intelligence), moderation, justice and courage. You see, courage has the same status in both cases, but otherwise the order is fundamentally changed. Now justice is here defined[6] as prudence plus moderation plus courage, and that is very strange. That something which should combine all three other virtues should be lower than two of its elements—prudence and moderation. That is a great problem, and that is an indication, a very provisional indication, of the complexity. Now justice is here, we see immediately, demoted in favor of prudence/intelligence and of moderation, but on the other hand we must say this justice is no longer called complete justice, or perfect, as it was called in the first enumeration. Now what does this mean, this demotion of justice? He says the human goods are directed toward the divine goods. Now that is easy to understand. All goods of the body, all external goods, are justifiable or interesting ultimately only to the extent to which they do something to the soul of man. But then he says the divine goods themselves are directed toward the ruling intelligence. So we see the new order is made with a view to the fact that the highest that exists is the ruling intelligence. For some reason which is not stated, not explained here at all, this leads to a demotion of justice. I[7] [will] leave it here only at the statement of the problem.

Let us now turn to the third statement, which is in 631d to 632e. There we find four virtues, in this order: moderation, courage, justice and prudence. This is easily explained, because here[8] [the Athenian] follows the movement of man from birth to death. Moderation somehow is the earliest virtue, by which he means that it is the first in the education of children—even babies are given some education in moderation, for example, regarding food. Courage comes a bit later. The child must be able to walk before he can show some rudiments of courage. Justice comes still later, because justice presupposes already some independence, some property of his own, which a child strictly speaking does not possess because there is no private property within the family. It is not normal. And prudence comes still later. So this is no problem because here he considers

the temporal order, which is not the order of rank. But this is an indication of the complexity of the problem. In ordering the virtues we have to consider rank as well as the temporal order and perhaps[9] other things which we do not know yet. Now in this connection he makes this statement: that intelligence brings all these things together in the service of moderation and justice. So here we have the ruling intelligence [LS points to the blackboard]; here he also has the ruling intelligence, but the ruling intelligence itself is serving moderation and justice. And the name for that activity where intelligence serves moderation and justice is called education. So from the point of view of education the ruling mind is ancillary. But the question is whether the ruling mind is simply ancillary,[10] [or should be] properly understood as not ancillary to anything else. The judgment on justice, in particular—the social virtue—will depend on how this question is decided. We recognize here perhaps the famous quarrel as to whether the practical life or the theoretical life is higher in rank. If the practical life is higher in rank, justice must have a very high status, the highest status, because action is always, in its full form, action with other men or directed toward other men. But if the theoretical life is highest the opposite conclusion will follow. And we will come across this question later on.

I think I can leave it at these remarks. In these first remarks about the hierarchy of virtues, Plato indicates the complexity of the problem. Somehow there must be a natural order, but whether that natural order is so easily accessible, whether there is not a variety of considerations, that we do not yet know. I would like to add one more point. When he speaks of the divine goods, the virtues, as distinguished from the human goods (the goods of the body and the external goods), he says the divine goods are the necessary *and* sufficient condition of the human goods. What do you say to this proposition that the virtues are the necessary and sufficient condition of health, beauty, strength and wealth? That they are a necessary condition makes some sense. For example, if you want to preserve wealth you need some virtue. Perhaps not a very high virtue, but you cannot be a complete bum; otherwise you will lose your wealth very soon.

Student: Well, nature seems to play a role in the human goods as well, so that the virtues would not be a sufficient condition.

LS: Could not be. But how would we then judge this statement that virtue is the necessary and sufficient condition of the goods of the body and of the external goods?

Student: It is wrong.

LS: Very good. One couldn't be clearer. But there are all kinds of wrong statements. There are wrong statements which are simply foolish, and there are wrong statements which are nevertheless respectable, in spite of being wrong. And there is a simple word for that in Plato's language: a myth. In other words, a myth means a salutary lie in this connection. I draw your attention to the fact because the term myth is frequently applied throughout this book to what they are doing, the legislating activity. It seems that the legislating activity is not possible without certain fictions. Now this should not be surprising to us, for we have studied the *Minos* and there we have seen that the law as such is based on a disregard of very pertinent facts for the sake of social convenience. A

statement disregarding complexities which are very relevant is as such a wrong statement.[11] If you disregard irrelevant things, you make a genuine and legitimate abstraction; but if you disregard relevant things, then your statement is wrong. It can still be useful.

Student: There was one thing that occurred to me in reading that. That is, if these are the virtues of a lawgiver, in a sense the lawgiver makes possible the development of the minor human virtues as they are here. A gang of robbers, for example, would not cultivate their beauty, although they might cultivate their wealth.

LS: I think you are mistaken. I know very much about that because I look frequently at the TV, which I take to be a realistic statement of gangster life. I may be mistaken, but I had the feeling that while the end, namely, their defeat, is unfortunately miserable, what they say about the taste of the gangsters makes sense. Now they are very much concerned with certain beings whom they call "molls."[ii] And with a view to these they are very much concerned with whether the moll is beautiful and whether they are beautiful in the eyes of that individual. So I don't believe that they are indifferent to beauty. Why should they [be]? They are unconcerned with moral beauty, surely, but that is not what is meant here by beauty. And they are terribly concerned with strength.

Student: Sure, I have seen soap operas too, I mean horse operas. But I wonder if in a certain kind of society, if they were wholly occupied with war or piracy or something,[12] this kind of thing is less possible or less their concern.

LS: You mean a warlike society would not be concerned with beauty, particularly?

Student: No, they wouldn't have time for that kind of thing.

LS: I see what you mean. In other words, you say the full concern with the human goods presupposes an awareness of the divine goods.

Student: Well, a really good society I think would.

LS: He does not deny that. If we have the choice between a very virtuous man who is in addition healthy, handsome or beautiful, strong and wealthy, we would say, at least as far as he is concerned, life would be better for him if he had these four bodily qualities than if he had the opposite defects. That is obvious. But what I am concerned with was whether it is true that the possession of the virtues guarantees the possession of the bodily goods and the external goods. And that I think is not true.

Student: I wouldn't say so either, but I was trying somehow to answer the question, whose virtues are these that they are talking about?

LS: Of the individuals and of the society. That would not make any difference.

[ii] Gangster moll: the female companion of a gangster.

Student: I was trying to relate it somehow to the discussion of the legislator and the lawgiver.

LS: Well, I believe I can show you this connection as follows. [Inaudible] In order to understand that one must always consider the alternative. Now what is the alternative? That the divine goods are *not* the necessary and sufficient condition of the human goods. What would this mean? Commonsensically speaking, you need,[13] as Aristotle puts it, equipment. [Certainly Aristotle would grant that and Plato in the *Laws* is also aware of that.] Let me take the simple Aristotelian formula: happiness is virtue plus equipment. By equipment he means bodily and external goods; for example, Priam after the conquest of Troy, who lost all equipment. This is a terrible understatement, I'm sorry. He was of course miserable. He was not precisely miserable, but no one (as Aristotle emphasizes) could call him happy, that much is certain. Now if you have this virtue plus equipment, which comes first? Now virtue is much higher than equipment, there is no question about that. But what comes first in time? After all, a child does not have virtue. But in order to be brought up well does he not need certain conditions in his home, among his parents? According to Aristotle the parents have to be reasonably well off, otherwise they cannot take care of him. For example, if the father and mother work then they cannot pay sufficient attention to the child. Now what follows from that? In a way, virtue presupposes equipment. But if that is so, a very great question arises: What about the acquisition of the equipment, if the equipment comes first and virtue is not yet there? You would acquire the equipment without virtue, by hook and by crook. And then later on, after you have the necessary conditions, you acquire virtue.

That is the problem of Machiavelli. The ancients were familiar with the problem, only they had solved it differently. Machiavelli's ancients were familiar with the problem, only they had solved it differently. Machiavelli's point is this: certain conditions must be fulfilled before man can be virtuous. But if this is so, the guaranteeing of those conditions cannot be subject to the requirements of morality. That is a great problem. Is this not clear? If the virtues, the divine goods, do not guarantee the presence of the indispensable human goods, then the acquisition of the human goods will follow rules not guided by the virtues, not guided by morality. And then very grave consequences, ultimately those of Machiavelli, follow: first you get peace and stability and the other conditions, but you get peace and stability not by virtue, not by moral means, but by mere toughness—strength, war, or however you call it. That is the question. Plato doesn't solve the problem by saying the divine goods guarantee the presence of the human goods. One can say he conceals that problem by that. But every concealment is, of course, a revealing, because he forces us to think about it by this strange and untrue statement, and thus to find out the reason of the concealment. And therewith he reveals certain problems. That is the issue.

Student: This may be just a matter of translation, but I am bothered by the fact that it specifically says in 631c that he who receives the greater, meaning the greater goods, acquires also the less, or else he is bereft of both. Now by this does Plato mean to say that the virtuous man who is not handsome is bereft of virtue? This would include Socrates, certainly.

LS: Let me see how he translates that.[14] "The human goods are dependent on the divine and he who receives the greater acquires also the less." (631b-c)

Student: "or else he is bereft of both."

LS: In other words, if he does not have the divine goods, he has neither the divine nor the human goods.

Student: But it also says that if he has not the human, that if in acquiring the divine he does not also acquire the human, that he will be bereft of both of them. That is to say, without the human he cannot have the divine.

LS: That is what I suggested as a possible conclusion of that long argument. But when he says here, "if he receives the larger then he acquires also the lesser ones, and *if not* . . . " Now the verb is omitted, but in fairness you have to insert the verb of the previous conditional clause, which is: if he does not receive the larger ones, the bigger ones, he will be deprived of both. That is the only possible fair interpretation, and grammatically correct interpretation. That Plato's omission of the verb is perhaps not due merely to grammatical convenience, I would be the first to grant. And from this point of view I would consider what you say, but not as the first level of the discussion. On the first level it is surely paradoxical to say that if someone possesses, say, virtue, he is for this reason already healthy, wealthy, beautiful and strong. You know, Socrates was surely[15] [neither] beautiful nor wealthy, although he seems to have been very healthy and very strong. Surely, and vise versa. There is no question. That is what I said; and therefore the statement as we find it here is untrue but it is not a nonsensical statement. It is an untruth which is better for us to act upon, perhaps, even than [upon] the truth. That is the meaning of a mythical statement. Do you know why it is better to act upon? Because if we do not act upon it we are likely to use our bodily or external defects as excuses: I'm sick, I'm lonely, I'm from a broken home. You hear this all the time. How does a man know that the fact that he is sick, ugly, from a broken home and so on, is *the* cause for such a conduct? There are people who have these defects and do not shoot other people. So it is better to say these things are trivial, as Plato suggested, although in some cases they may be relevant: for example, what a man can do depends to some extent on strength, in some cases on wealth, and so on.

Student: Is it possible that he might be suggesting that one could not know human virtues unless he is already imbued with the divine virtues. In short, the problem of knowing what virtues are rather than having virtues.

LS: Now here there is a misunderstanding. He doesn't speak of divine virtues but of divine goods. And the divine goods are the virtues, the human virtues. Then your question is: Can a man possess a virtue, say, justice, without knowing what justice is?

Student: Could he know what, say, beauty was unless he knew what, say, justice or temperance was?

LS: What would common sense say to this question?

Student: Yes, he could.

LS: It all depends. I mean, if we understand beauty in the crude way in which I used it when speaking of these gangsters, surely they have a sense of the beautiful woman as against the ugly woman. They may be very good judges in this respect, and yet they may not even have an inkling of what justice is. But still the question would be: Does the really good judgment, even of bodily beauty—in other words, the distinction between beauty and mere prettiness or handsomeness—does this not require some moral illumination? But that is the subtle question. We are here now concerned really with the surface of the whole thing. Let us take wealth as the simplest example. To distinguish between a rich man and a poor man quite a few people are capable who lack all moral judgment. They smell wealth by a kind of animal instinct. Now let us go on because we have much to do.

We turn now to 632d9 to e7[16]. Let us begin with the speech of the Athenian on the middle of the page.

Reader:

> [Ath.:] We ought, as I think, to do as we did at first—start from the beginning to explain first the institutions which have to do with courage; and after that we shall, if you wish, deal with a second and a third form of goodness. And as soon as we have completed our treatment of the first theme, we shall take that as our model and by a discussion of the rest on similar lines beguile the way; and at the end of our treatment of goodness in all its forms we shall make it clear, if God will, that the rules we discussed just now had virtue for their aim.[iii] (632d-e)

LS: I can only comment here that in the Greek he calls this deliberation or consideration that they are doing, the telling of a myth. Now here a new beginning is then made, as you see, which is based on the premise that the true intention of the legislator—don't forget that we have to do with divine legislators here, Apollo, and Zeus—is the sound intention. That is the premise which is presupposed. The Cretan laws look bad, but that is an error of the Cretans—because, since the laws were given by a god, Zeus, or in Sparta by Apollo, the laws themselves must be sensible; only the Cretans misinterpret them. We have seen this all the time. The sound intention regarding laws is, of course, the intention according to nature. And here we find a formula of the problem: virtue has various forms, various kinds. They are also here called (although that doesn't come out in the translation it will become clear in a later passage) parts of virtue; virtue has parts or forms. All these virtues look there, in that direction. Where? He cannot mean at virtue, but at the ruling intelligence. Now something strange happens immediately afterward. Do you have that? Megillus. For the first time our Laconic friend, Spartan friend, takes the initiative. Very strange. Let us read that.

[iii] In the Loeb: "goodness for their aim" for "virtue for their aim."

Reader: [Meg.:] "A good suggestion! And begin with our friend here, the panegyrist of Zeus—try first to put him to the test." (632a)

LS: What induces Megillus to take the initiative?

Student: He wants to avoid talking about Sparta.

LS: Very good. So in other words, he is compelled to speak because otherwise the Athenian might take him on to the disadvantage of the Spartan laws. But you see he is concerned not only with himself—that would not be becoming such a gentleman—but he is concerned with Sparta. For the sake of Sparta he is willing even to talk.

Student: It is also piety, isn't it? Because we have the indication that you have to sacrifice something or that the law is against saying that sort of thing. So in a way—

LS: Sure. But now in the sequel Megillus is caught by our wily Athenian. Let us see how this happens.

Reader: [Ath.:] "Try I will, and to test you too and myself; for the argument concerns us all alike. Tell me then—"

LS: Now this is the plural in Greek. That can't be brought out in the translation.

Reader: [Ath.:] "do we assert that the common meals and the gymnasia were devised by the lawgiver with a view to war?" (633a)

LS: And these are of course institutions common to Sparta and Crete, and therefore they concern the Spartans as much as the Cretans. But he speaks only of a single legislator. And Megillus says yes, although the Athenian had said "Tell me, both of you." How come? How come[17] Megillus speaks although the Cretan too is addressed and the Cretan is much more easygoing in speech? I take this only as an example; we cannot take up all these cases. But these are questions which one must consider if one wants to understand. While such a single question is trivial, it is always ultimately linked up with the important issues. How can you understand such a conversational situation? Someone very reticent, a man who hates to talk, and the other likes to talk, and both are addressed. And nevertheless, the slow man answers and the easygoing speaker does not answer. How would it most naturally happen?

Student: He is afraid of what the other one might answer.

LS: Yes, or the other is silent, and then there is a vacuum. That is true. I repeat that I took this only as an example of this kind of thing. Now let us read the immediate sequel.

Reader: [Ath.:] "And is there a third institution of the kind, and a fourth? For probably one ought to employ this method of enumeration also in dealing with the subdivisions (or whatever we ought to call them) of the other forms of virtue."[iv] (633a)

LS: "Subdivisions" is of course a very bad word. The other parts. You see, he leaves it open whether one can, strictly speaking, speak of parts. But these parts or whatever we might call them are the same as what he called above forms. That is a very deep problem in Plato, the relation of forms and parts, which is discussed in the dialogue *Sophist*. I mention this only in passing. You see only the presence of the problem here. In other words, we speak of courage, and we look to see how the Spartan or Cretan legislator provided for courage. Two institutions were mentioned: common meals and gymnasia. And now the Athenian wants more, a third and fourth. Let us read on.

Reader:

> [Meg.:] The third thing he devised was hunting: so I and every Lacedaemonian would say.
> [Ath.:] Let us attempt also to state what comes fourth,—and fifth too, if possible. (633b)

LS: You see, the Athenian wants to go on and on. He asks for three and four: he has only three, and now he says, "give me four and five." Now what does he say?

Reader:

> [Meg.:] The fourth also I may attempt to state: it is the training, widely prevalent amongst us, in hardy endurance of pain, by means both of manual contests and of robberies carried out every time at the risk of a sound drubbing; moreover, the "Crypteia,"[v] as it is called, affords a wonderfully severe training in hardihood, as the men go bare-foot in winter and sleep without coverlets and have no attendants, but wait on themselves and rove through the whole countryside both by night and by day. Moreover in our games,[vi] we have severe tests of endurance, when men unclad do battle with the violence of the heat,—and there are other instances so numerous that the recital of them would be well-nigh endless. (633b-c)

LS: Now that enumeration stops from here as you will see. We have now number four, five and six, distinguished from each other by "furthermore," [or] "moreover"—*eti* in Greek. The fifth is the central of these three, and that is the *krypteia*. And what is the *krypteia*? That is a very interesting institution.

Student: The young men did police work, with the Helots, to keep the people in line.

[iv] In the Loeb: "goodness" for "virtue."
[v] Part of the Spartan regiment of training their youth, consisting in sending the select among the young Spartans in training to police the country in order to prevent Helot insurrection.
[vi] The "Gymnopaedia," or Spartan "Naked Games."

LS: Yes. It consisted also in getting rid of, in a silent way, wealthy and respected Helots, the Helots being the subjects of [inaudible] Sparta. In other words, a kind of Spartan equivalent of NKVD or Gestapo.[vii] That is mentioned here as in the center, and he has no choice but to mention this somewhat unsavory institution.[18] And we see that he says [there are] innumerable[19] [other institutions of a similar kind]. [Sparta has then] taken care of courage or manliness very well, under one condition, as is shown in the sequel: if courage is identical with control of fear or pain. But what about the control of desires or pleasures? This would seem to be the natural supplement to control of fear or pain. Therefore Socrates, or the Athenian Stranger, suggests here that courage consists of two parts: one having to do with the control of fear or pain—what we ordinarily call courage—and then [another with] the control of desire or pleasure—what we ordinarily would call temperance or moderation. What did the divine legislators do in order to produce the second half of courage? How did they make their citizens first tasteless in order then to teach them to control the desire for pleasure? The answer given then is [that] neither Sparta nor Crete can show much in this respect. And that is very important. For one half of courage, perhaps the more important part of courage, the divine legislators have not provided. At this moment it is no longer possible to avoid the frontal attack on the allegedly divine laws. You may remember what we discussed last time: a frontal attack was never made; the premise that these are divine and therefore good laws was never questioned; all kinds of substitutes were used, e.g., poets and so on. Now that is one point. The other point is this. Who makes the criticism of Spartan and Cretan laws in this dialogue? Who?

Student: The Stranger.

LS: An Athenian. Now that is very important, you see, because contrary to what some people say it is not sufficient to consider the content of the criticism, it is also important to consider the critic himself. If an Athenian criticizes Cretan laws in Crete, his criticism becomes mixed up with a political problem. Let us take the simpler case of Sparta. If an Athenian attacks the Spartan laws, how do we know that this is not a politically inspired attack? Well, in every political debate you know that this has happened. You know, if someone makes a remark about the budget, the other man will immediately say that this is political, regardless of whether it is sound or unsound. But this applies even more to people who belong to different civil societies. The Athenian is aware of this difficulty and therefore he doesn't speak in his own name; he speaks in this first speech (634b-c) of the view of many, what many say, not what he says. But before he comes to the criticism of Sparta, he praises Sparta, or Crete for that matter. Now this praise is very remarkable, starting on [634d6][20].

Reader:

> [Ath.:] Whether men are right or wrong in their censures of the Laconian polity and the Cretan—that is another story; anyhow, what is actually said by most men I, probably, am in a better position to state than either of you. For in your case

[vii] NKVD: The People's Commissariat for Internal Affairs, the public and secret police organization of the Soviet Union; Gestapo: secret state police of Nazi Germany.

> (your laws being wisely framed) one of the best of your laws will be that which enjoins that none of the youth shall inquire which laws are wrong and which right, but all shall declare in unison, with one mouth and one voice, that all are rightly established by divine enactment— (634d-e)

LS: "That they are nobly laid down, having been laid down by gods." That is the answer given by the whole community.

Reader: [Ath.:] "and shall turn a deaf ear to anyone who says otherwise—" (634e)

LS: That is too weak. "Not to tolerate," "not to stand for [it], if someone speaks differently."

Reader: [Ath.:] "and further, that if any old man has any stricture to pass on any of your laws, he must not utter such views in the presence of any young man, but before a magistrate or one of his own age." (634e)

LS: Now what is that? This is a wonderful institution of Sparta and Crete. What does it amount to? All will publicly say, with one voice: All our laws are wonderful. But an old man may say to the magistrates: This law of ours is not so good; it should be changed. That is one of the many examples of the noble lie. Let us not hesitate to use this word, because it is a lie, of course, if everyone is supposed to praise laws unqualifiedly regardless of whether it is true or not. But this is necessary for the sake of stability; therefore it is a noble lie and not a vulgar or common lie. Now let us read the sequel.

Reader: [Kl.] "A very sound observation, Stranger; and just like a diviner, far away though you are from the original lawgiver, you have fairly spotted, as I think, his intention, and described it with perfect truth." (634e-635a)

LS: Now you see, a soothsayer or a diviner, but a diviner who does not prophecy, doesn't predict the future but who predicts the past (if one can say that) or knows the past. Now there was a famous Cretan soothsayer, who will be mentioned later, Epimenides,[viii] of whom they said, as Aristotle has it, that he could foretell the past, the remote past which was no longer known. A retrospective prophet. In the nineteenth century someone said this of the historian, because he divined what had happened in the past. And you see also the interesting thing that this wise Athenian reminds him somehow of the indigenous wise man; he was also good at foretelling the remote past. Now continue.

Reader: [Ath.:] "Well, there are no young people people with us now; so we may be permitted by the lawgiver, old as we are, to discuss these matters among ourselves privately without offence."

[viii] A sixth century BC Greek seer. Plutarch discusses Epimenides's contribution of his expertise in religious rituals to Solon, in the latter's reform of Athens (Plutarch, *Life of Solon*, 12).

[Kl.:] "That is so. Do you, then, have no scruple in censuring our laws; for there is nothing discreditable in being told of some flaw; rather it is just this which leads to a remedy, if the criticism be accepted not peevishly but in a friendly spirit." (635a-b)

LS: So in other words,[21] [the Athenian] is a very practical man, as we see here. He has created the right spirit in which the Cretan and Spartan will be willing to listen to a criticism by an Athenian. Now in the sequel there is made an explicit transition from courage to moderation. The pretence is dropped[22] that control of pleasure is in itself courage. The question is raised now: What did your lawgivers do in order to produce moderation? And then the answer given is? Well, again: Our gymnasia and our common meals. To which the Athenian says: Well, you know what they say, they say that [this] leads to the opposite; it leads to such things as homosexuality. Let us read that[23] ([636b1] to d7), the long speech of the Athenian where he beings to speak of the gymnasia.

Reader:

> [Ath.:] So these common meals, for example, and these gymnasia, while they are at present beneficial to the States in many other respects, yet in the event of civil strife they prove dangerous (as is shown by the case of the youth of Miletus, Bocotia and Thurii);[ix] and, moreover, this institution, when of old standing, is thought to have corrupted the pleasures of love which are natural not to men only but also natural to beasts. (636b)

LS: I try to translate it literally according to the original reading of the manuscript. There is a certain difficulty which arises here. "And it seems to have corrupted an ancient law and a law according to nature, namely, referring to the pleasures regarding sexual things applying not only to men but to the brutes as well." Now that I think is a very important reference to the natural law, to the notion of natural law. So we get here one example, one more specific example. There is a certain order of nature regarding, say, that sex is meant for procreation. And therefore homosexuality is a corruption of that. This is called an ancient law and according to nature. That is a kind of transition from the prephilosophic notion, one can say. When Antigone speaks in the *Antigone* of that law which she obeys, where one does not know the origin, you know [it is] old, very old. And then this much more precise statement: according to nature, meaning [that] the oldness has not very much to do with that; it is inherent in the nature of living beings as living beings. Let us see how he goes on from here.

Reader: [Ath.:] "For this states[x] are held primarily responsible, and along with them all others that especially encourage the use of gymnasia. And whether one makes the observation in earnest or in jest, one certainly should not fail to observe that when male unites with female for procreation the pleasure experienced is held to be due to nature—" (636b-c)

[ix] Ancient Greek city-states.

[x] In the Loeb: "your States" for "states."

LS: You see, it is held to be.[24] [It] is important that Plato does not say [that] this here definitely[25] is according to nature. He says: It seems to be, is thought to be, believed to be. And you see also that he leaves it open whether one may not speak about these things jestingly as distinguished from seriously. This remains open here. Now you see what this means with a view to the question I said before. We seek for the natural standards, but then the natural standards are [not] as easily accessible as many people think. For example, whether this principle regarding homosexuality is natural, properly speaking, is left open. This same subject will be discussed later. Now read the sequel.

Reader: [Ath.:] "but contrary to nature when male mates with male or female with female, and that those first guilty of such enormities were impelled by their slavery to pleasure." (636c)

LS: We do not need the next section, although it is from other points of view extremely important. Now I would like only to give a brief report about the immediate sequel. The situation: now the Athenian has for the first time openly criticized a Spartan and Cretan institution, with the understanding that if this was given by Zeus and Apollo they are very poor legislators. And this refers to the common meals and the gymnasia and the bad moral effects. Megillus is hurt, and what does he do? He acts as every man in such a situation would act. He hits back. And he says: We have our gymnasia, and there may be something wrong with that, but you have your symposia, your banquets, [where] everyone [gets] drunk. Absolutely disgraceful. There is no drunkenness in Crete and Sparta. The Athenian enters into the spirit and says: Well, on the other hand you Spartans are famous for the licentiousness of your women; don't forget that Helen was a Spartan. Don't think these are mere jokes, because this has very much to do with the problem of laws—because these attitudes in defending and attacking laws are a part of law. A law, if it is really a ruling force, engenders these habits of defending. And therefore this is as much a part of the substance of law as the provisions proper. Now let us see the long speech of the Athenian in 637c.

Reader:

> [Ath.:] Oh Lacedaemonian Stranger,[xi] all such indulgences are praiseworthy where there exists a strain of firm moral fiber, but where this is relaxed they are quite stupid. An Athenian in self-defence might at once retaliate by pointing to the looseness of the women in your country. (637b-c)

LS: He doesn't say an Athenian [simply], [but] someone defending himself. He is a bit cruder than [inaudible]. Continue.

Reader:

> [Ath.:] Regarding all such practices , whether in Tarentum, Athens or Sparta, there is one answer that is held to vindicate their propriety. The universal answer to the stranger who is surprised at seeing in a State some unwonted practice is

[xi] In the Loeb: "O Stranger of Lacedaemon" for "Oh Lacedaemonian Stranger."

> this: “Be not surprised, O Stranger: such is the custom with us: with you, perhaps, the custom in these matters is different.” (637c)

LS: You see, a kind of convenient, tolerant relativism. But which, as stated here, is only a sign of politeness: “Well, that is our way, and that is your way, and that is all there is to it.” But that is not sufficient. Why?

Reader: [Ath.:] “But, my dear sirs, our argument now is not concerned with the rest of mankind but with the goodness or badness of the lawgivers themselves.” (637d)

LS: So in other words, the individual human being is perfectly excused if he follows the habits and laws of his country. But the legislator is not excused by that, therefore we must raise the question. We can’t leave it at saying this is our law and habit and that is yours; we have to consider the question itself. The subject now becomes, through the Spartan’s act of defense, drunkenness. The Athenian is compelled by his situation to defend drunkenness. You must see how wise that is. Because this must appear to the Cretan and the Spartan as a sign of simple Athenian patriotism. He defends an Athenian institution in a foreign country. That is the right thing to do. But the Athenian has another purpose in mind, as we shall see later. But the main point is this: he must be intelligible to his fellow speakers. And he becomes intelligible to them not as a “philosopher,” but he becomes intelligible to them as an Athenian who patriotically defends an Athenian institution which was attacked in a foreign country. That is always necessary to understand Plato’s statements in this way. In other words, all statements of Platonic characters must make sense not only as absolute statements but they must make sense certainly as statements of the speaker in this situation, otherwise he would lack practical wisdom. I am speaking now of the chief speakers, the spokesmen, and not of the others who frequently show a lack of practical wisdom.

Now we can also dismiss the immediate sequel here, although if we had time we should read that. Here the Spartan says: Well, we lick all these people who drink so much, and lick them easily. And the Athenian says that doesn’t decide the issue; sometimes by mere physical superiority the inferior polis vanquishes the stronger. You see, that shows that the divine goods do not guarantee the human goods. The virtuous polis which was mentioned here, which is it? A Sicilian city, I believe—no, the Locrians and the Ceians. The inhabitants of the island of course were virtuous people; it was a virtuous city. They were defeated by the morally inferior Athenians and lost their liberty in a way, their wealth, and everything else. So the possession of virtue does not guarantee the possession of the external goods and the bodily goods, as I believe most of you would admit, unfortunately all too easily.

Now [to] this discussion of drunkenness which begins here. Let us read the beginning of the next statement of the Athenian (638c).

Reader:

> [Ath.:] In my opinion all those who take up an institution for discussion and propose, at its first mention, to censure it or commend it, are proceeding in quite

> the wrong way. Their action is like that of a man who, when he hears somebody praising cheese as a good food, at once starts to disparage it, without having learnt either its effects or its mode of administration—in what form it should be administered and by whom and with what accompaniments, and in what condition and to people in what condition. This, as it seems to me, is exactly what we are now doing in our discourse. At the first mention of the mere name of drunkenness, straightway we fall, some of us to blaming it, others to praising it; which is most absurd. Each party relies on the aid of witnesses, and while the one party claims that its statement is convincing on the ground of the large number of witnesses produced, the other does so on the ground that those who abstain from wine are seen to be victorious in battle; and then this point also gives rise to a dispute. Now it would not be at all to my taste to go through all the rest of the legal arrangements in this fashion; and about our present subject, drunkenness, I desire to speak in quite another fashion (in my opinion, the right fashion), and I shall endeavor, if possible, to exhibit the correct method for dealing with all such subjects; for indeed the view of them adopted by your two States would be assailed and controverted by thousands upon thousands of nations. (638c-e)

LS: I note only one point. This discussion of drunkenness takes all the rest of the First Book and the whole Second Book. This discussion is also meant to be a specimen of a discussion of any legal provision. It is meant to be an example of it. The question, of course, arises: Why did he choose drunkenness and not, say, what to do with heiresses, or what to do with battery? We must try to answer that question later. Then in the sequel he develops the principle. The rejection of an activity of a being, like goats, or of an activity relating to a being, because that activity is damaging when the being is not properly guided, is absurd. The rejection of banquets, drunkenness in banquets, is absurd because it is based on the observation only of banquets in which there was no proper guidance. The Athenian Stranger says this: You behave as if you were to condemn the breeding of goats because you have seen only goats destroying gardens and trees and so on, and you have not seen them properly placed where they couldn't do any harm to trees, etc. And then goats can be wonderful creatures supplying you with milk and other things. That is what you do.[xii]

Reader:

> [Ath.:] Now has anyone ever yet beheld this institution rightly conducted? Both of you can easily make answer—"Never yet at all," for with you this institution is neither customary nor legal; but I have come across many modes of banqueting in many places, and I have also inquired into nearly all of them, and I have scarcely seen or heard of a single one that was in all points rightly conducted; for if any were right at all, it was only in a few details, and most of them were almost entirely on the wrong lines. (639d-e)

[xii] There was a break at this point in the tape. The tape picks up in the middle of the Athenian's speech (with "in many places"), which is here reproduced in full.

LS: So in other words, the Athenian admits that he has not seen a single proper banquet, and yet he recommends banquets. The practical Cretan is naturally surprised. What does he say?

Reader: [Kl.:] "What do you mean by that, Stranger? Explain yourself more clearly; for since we are (as you observed) without any experience of such institutions, even if we did come across them, we would probably fail to see at once what was right in them and what wrong." (639e-640a)

LS: Now the Athenian has now to answer this question: How can you judge of the goodness of institutions of which you have not observed a single good example? How can you recommend an institution for the working of which there is not a single bit of empirical evidence? Is it not a problem? And [I] think that all, or almost all, reformers do exactly that. They recommend an institution which has never been seen in the world. The secondary reformer is uninteresting. Say something has been done in Norway and then he recommends it in the United States, that is easy. But the first reformer in Norway, how could he possibly convince any sane man? How could he do it? The answer to that question is here in the sequel.

Reader: [Ath.:] "That is very probable. Try, however, to learn from my description. This you understand—that in all gatherings and associations for any purpose whatsoever it is right that each group should always have a commander." (640a)

LS: Do you understand, he says. And the Cretan grants it. Now we can't read the detail, but what does he do? What is the method which he follows? Well, every institution belongs to a kind of institution or to a genus of institution, and we know something of that genus. We have even empirical knowledge of that. And then we apply what we have learned about the genus. Now what is the argument? The thesis stated here is this: that for every institution there must be a ruler, a competent man who controls all the business. And therefore banquets can be recommended only if they take place under the guidance of competent men. Who are the competent men in this case? He gives here a provisional statement (640d). Now a banquet consists of people in a state of drinking and also of drunkenness. And what therefore must be the qualification of the ruler, if this is . . . .

Student: Soberness.

LS: He must be sober, just as a general, who has to rule potential cowards in a very difficult situation, must be very brave. So this much is clear. Now what does he say after that?

Reader: [Ath:] "Then the commander we set over drunken men should be sober and wise, rather than the opposite? For a commander of drunkards who was himself drunken, young, and foolish would be very lucky if he escaped doing some serious mischief." (640d)

LS: Why does youth disqualify? Why could there not be a sober and wise man who is young, and controls the drinkers?

Student: He would not have the respect of the drunken people, the age.

LS: Yes, that is very good, but let us keep this in mind for later. There is a kind of shift somehow from wisdom to old age. We will see that later. So when we recommend banquets, the Athenian Stranger says, we will consider only such banquets as are presided over by wise, old and sober men. All right. But the Cretan rightly says: What will be the use of properly conducted banquets, where everyone except the president gets drunk? And then the Athenian makes a very strange suggestion: it is useful for education. And naturally the Athenian is compelled to show this, as he puts it (641e), in some way or another. Surely, in some way or another he will show it. Again there is a nice rhetorical device at the end of 641. The Athenian must make a long speech, and now he says: Well, if I make now a long speech, you will say that is a typical Athenian (because the Athenians were well known for liking to talk), and that may arouse your prejudice. The latter, of course, he does not say. And now what happens? What do the Spartan and Cretan do? You see, this overcoming of the resistance of the Cretan and Spartan is the real action of the first part of the dialogue. We will later on see why this is pertinent to the question of law. What do they do? Let us read this speech (642) of Megillus.

Reader: [Meg.:] "Oh Stranger of Athens, you are not, perhaps, aware that our family is, in fact, a 'proxenus' of your state." (642b)

LS: *proxenos* is a legal institution. Do you know what it is?

Student: It is the equivalent of ambassadors or consuls.[xiii]

LS: Yes. Now continue.

Reader:

> [Meg.:] It is probably true of all children that, when once they have been told that they are "proxeni" of a certain State, they conceive an affection for that State even from infancy, and each of them regards it as a second motherland, next after his own country. That is precisely the feeling I now experience. For through hearing mere children crying out—whenever they, being the Lacedaemonians, were blaming the Athenians for anything or praising them— (642b-c)

LS: Blaming comes first. Continue.

Reader:

> [Meg.:] "Your state, Megillus, has done us a bad turn or a good one—"

LS: Also the bad comes first.

[xiii] Specifically, a native, who represents the foreign state.

Reader:

> [Meg.:] through hearing such remarks, I say, and constantly fighting your battles against those who were thus decrying your State— (642c)

LS: You see, in other words, Megillus is a praiser of the Athenians.

Reader:

> [Meg.:] I acquired a deep affection for it; so that now not only do I delight in your accent, but I regard as absolutely true the common saying that "good Athenians are always incomparably good," for they alone are good not by outward compulsion but by inner disposition. Thus, so far as I am concerned, you may speak without fear and say all you please. (642c-d)

LS: By the way, it is also remarkable that this great praise of the Athenian giftedness, the strongest praise of Athenian giftedness ever occurring in Plato, is entrusted to a Spartan, not to an Athenian. But what does this argument mean? Megillus assures the Athenian of his benevolence for Athens. How did he acquire that benevolence?

Student: By defending Athens when he was a child.

LS: By fighting for Athens, by conferring a benefit on Athens, he became benevolent toward Athens. The same is true, in a different way, of Clinias. But that sounds strange to us; but it was not strange to the Greeks. They had a name for that. Does anyone among you know what virtue Megillus exhibits by this remark?

Student: Magnanimity.

LS: Magnanimity, surely. The magnanimous man remembers benefits which he confers upon others, not the benefits which have been conferred on him. That is, we can say, the Greek notion of pride, of noble pride—to remember the good you did to others, not the good others did to you. It is in danger of being the opposite of gratitude, this kind of pride. And the answer of Clinias has the same character.

So the Athenian has now secured benevolence. The argument is, as the old rhetoricians called it, a *captatio benevolentiae*. Capturing the benevolence of the audience is the first duty of a speaker, and that he achieves. Now we come to the substantive question: What is education? Because we have been told drunkenness is a major help conducive to education. And this answer is given again in a long speech of the Athenian, which we have to consider (643b ff).

Reader:

> [Ath:] I will. What I assert is that every man who is going to be good at any pursuit must practice that special pursuit from infancy, by using all the implements of his pursuit both in his play and in his work. For example, the man who is to make a good builder must play at building toy houses, and to make a

> good farmer he must play at tilling land; and those who are rearing them must provide each child with toy tools modelled on real ones. Besides this, they ought to have elementary instruction in all the necessary subjects,—the carpenter, for instance, being taught in play the use of rule and measure, the soldier taught riding or some similar accomplishment. So, by means of their games, we should endeavour to turn the tastes and desires of the children in the direction of that object which forms their ultimate goal. First and foremost, education, we say, consists in that right nurture which most strongly draws the soul of the child when at play to a love for that pursuit of which, when he becomes a man, he must possess a perfect mastery. Now consider, as I said before, whether, up to this point, you are satisfied with this statement of mine. (643b-d)

LS: Now what did he say up to now about what education is, what the objective of education is?

Student: Vocational.

LS: No, that is not enough. The objective of education is love, eros, of excellence in that thing, in that activity, which he wants to be practiced when he [is] a grown-up man. That is the function of education in general. But that is too general to fit education proper. For example, we would not call a man who has acquired a love of breeding[26] goats, so that he will later on become a first-rate goat breeder, an educated man. And therefore he has to give a more specific definition in the sequel.

Reader:

> [Ath:] But we must not allow our description of education to remain indefinite. For at present, when censuring or commending a man's upbringing, we describe one man as educated and another as uneducated, though the latter may often be uncommonly well educated in the trade of a pedlar or a skipper, or some other similar occupation. But we, naturally, in our present discourse are not taking the view that such things as these make up education: the education we speak of is training from childhood in goodness, which makes a man eagerly desirous of becoming a perfect citizen, understanding how both to rule and be ruled righteously. (643d-e)

LS: That is the definition of education which is given here. The objective of education is the production of love of the excellence of the citizen. And a man who has acquired that love is an educated man. Now we must skip the immediate sequel. We have to answer the question: Why do we need drunkenness for that? Can't we get love of excellent citizenship without going through a process of drinking? That is strange. Now what does he say (644c4)?

Reader:

> [Ath.]: May we assume that each of us by himself is a single unit?
> [Kl.]: Yes.

> [Ath.]: And that each possesses within himself two antagonistic and foolish counsellors, whom we call by the names of pleasure and pain?
> [Kl.]: That is so.
> [Ath.]: And that, besides these two, each man possesses opinions about the future, which go by the general name of "expectations"; and of these, that which precedes pain bears the special name of "fear," and that which precedes pleasure the special name of "confidence"; and in addition to all these there is "calculation," pronouncing which of them is good, which bad; and "calculation," when it has become a public decree of the state is named "law." (644c-d)

LS: Do you remember this? We have read this already in the *Minos*: the *nomos*, the law, is a decree, the common decree of the city. That was said in the *Minos*. But here it is specified that this common decree is primarily a reasoning. A reasoning about what? A reasoning about the desires, fears, passions, and so on, with a view to goodness and badness—in other words, which pleasures are good, which fears are good, and so on. This reasoning, when it becomes a decree of the polis, is a law. You have a beautiful example in prohibition: this was a reasoning leading to the rejection of drunkenness, complete rejection of drunkenness—of drinking, even—and when it became a decree of the polis then it became a law. But this is not what people ordinarily understand by law, and you see this from the reaction of our Cretan friend.

Reader:

> [Kl.:] I have some difficulty in keeping pace with you: assume, however, that I do so, and proceed.
> [Meg.:] I am in exactly the same predicament. (644d)

LS: If one would translate more literally it would be as follows: the same experience, the same suffering is in me, within, Megillus says. Therefore the Athenian has to explain that. And now there comes this famous statement of what a law is.

Student: Before you get into the explanation, I am just curious as to why the Athenian here presents a definition of law which centers about pleasure and pain instead of about goodness.

LS: Yes, that is a very necessary question. But can we wait a bit? I believe we can answer the question in the sequel. It is only reasonable to demand why pleasure-pain: why should pleasure and pain be that mater, that object on which law pronounces? Now let us proceed.

Reader:

> [Ath.] Let us conceive of the matter in this way. Let us suppose that each of us living creatures is an ingenious puppet of the gods, whether contrived by way of a toy of theirs or for some serious purpose—for as to that we know nothing; but this we do know, that these inward affections of ours, like sinews or cords, drag us

> along and, being opposed to each other, pull one against the other to opposite actions; and herein lies the dividing line between virtue and badness.[xiv] (644d-e)

LS: Do you see, Mr. ___? Virtue and vice have to do with the proper attitude toward pleasure and pain, all pleasures and all pains. For example, if you take justice, there is a desire for wealth, greed, an attitude, [and] the proper regulation of that. And now:

Reader:

> [Ath.] For, as our argument declares, there is one of these pulling forces which every man should always follow and nohow leave hold of, counteracting thereby the pull of the other sinews: it is the leading-string, golden and holy, of "calculation," entitled— (644e-645a)

LS: That is not a bad translation, although a somewhat low translation—"calculation," *logismos* is really that. One could also say reasoning, but it is not totally wrong to say calculation because if you think of reckoning with numbers, [you think] of calculation. That is the most famous and classic form of reasoning. Continue.

Reader:

> [Ath.] entitled the public law of the State; and whereas the other cords are hard and steely and of every possible shape and semblance, this one is flexible and uniform, since it is of gold. With that most excellent leading-string of the law we must needs co-operate always; for since calculation is excellent, but gentle rather than forceful, its leading-string needs helpers to ensure that the golden kind within us may vanquish the other kinds. In this way our story comparing ourselves to puppets will not fall flat, and the meaning of the terms "self-superior" and "self-inferior" will become somewhat more clear, and also how necessary it is for the individual man to grasp the true account of these inward pulling forces and to live in accordance therewith, and how necessary for the State (when it has received such an account either from a god or from a man who knows) to make this into a law for itself and be guided thereby in its intercourse both with itself and with all other States. Thus both badness and goodness would be differentiated for us more clearly; and these having become more evident, probably education also and the other institutions will appear less obscure; and about the institution of the wine-party in particular it may very likely be shown that it is by no means, as might be thought, a paltry matter which it is absurd to discuss at great length but rather a matter which fully merits a long discussion.[xv] (645a-c)

LS: Now this is the most specific statement about virtue and vice we have found up to now.[27] Virtue and vice have to do with pleasures and pains in the widest sense of the term, because virtue is the right attitude toward pleasures and pains, and vice is the wrong one. He begins here as follows. We are playthings of the gods; the gods move us. What has this to do with the laws? This is not developed, but later on he makes an important

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[xiv] In the Loeb: "goodness" for "virtue."

[xv] In the Loeb: "prolonged discussion" at the end of the passage.

distinction between the polis and the individual. We have to control our pleasures and pains. This control applies to the individual as well as to the society, but the control has a different character in the individual than in the society. What is the proper control in the case of an individual? That is in 645b4. The individual must take the *alēthēs logos*, the true reasoning, the true speech, regarding these pushes and pulls and guide himself by it. He must live in obedience to it.

What about the polis? Is the polis in need of that right reasoning? When he speaks of what the polis has to take, he does not speak of the *alēthēs logos*, of the right reasoning, but of *logos* simply, *a* reasoning—either from a god or from him who has known these pushes and pulls. And on the basis of that reasoning, which is not necessarily a right reasoning, it establishes the law with which one has to comply. Only the polis, not the individuals, may need a god for its guidance. The gods do not necessarily guide us [as individuals] toward the rational. As a simple proof, think of what Aphrodite does to men: this does not necessarily lead men to the rational. Now we will take this subject up a bit later after we have understood virtue better. Virtue has to do with pleasures and pains; therefore, if we want to find out whether wine-drinking is significant regarding pleasures and pains—well, does wine, wine-drinking have any relation to pleasure and pain? You must know this from the literature if you don't know it any other way. Well, what is it? Let us spell it out. What does it do? Up to a certain point, I have read, it is gladdening; it makes men pleased and gay. That is one part. Beyond that point it creates a problem, I suppose. But let us rather listen to what our authority says in 645d, the next long speech of the Athenian. You see, this is very amusing. Here the Athenian talks with two old people coming from prohibitionist states or maybe from old Islam—they are not supposed to know anything of this. That is the amusing thing here. But they must have had some experience. Now let us see what he says.

Reader:

> [Kl.:] In reference to what particular do you ask this question?
> [Ath.:] To no particular, for the moment: I am putting the question in general terms—"when this shares in that, what sort of thing does it become in consequence?" I will try to convey my meaning still more clearly: what I ask is this—does the drinking of wine intensify pleasures and pains and passions and lusts?
> [Kl.:] Yes, greatly. (645d)

LS: How does he know?

Reader:

> [Ath.:] And how about sensations and recollections and opinions and thoughts? Does it make them likewise more intense? Or rather, do not these quit a man entirely if he becomes surfeited with drink?
> [Kl.:] Yes, they quit him entirely.
> [Ath.:] He then arrives at the same condition of soul as when he was a young child?
> [Kl.:] He does.

> [Ath.:] So at that moment he will have very little control of himself?
> [Kl.:] Very little. (645e-646a)

LS: So wine strengthens the passions, with the exception of fear, because people do not become more fearful when they are drunk. Even the old Cretan knows this, who shouldn't know it. And while it strengthens the passions it weakens the perceptions. That is also a universal verity. To the extent that it makes a man a child. And then in the next speech he says:

Reader:

> [Ath.:] And such a man is, we say, very bad?
> [Kl.:] Very, indeed. (646a)

LS: That is all we need. Then we have the real paradox: Can the degradation of the soul be beneficial to the soul? What a strange thing this is. And the Athenian recommends that. What can this possibly mean? Now I report about the sequel only because the Second Book will still take up this issue at great length. In the sequel he makes a distinction between two kinds of fear: first, ordinary fear; and second, fear of bad reputation, which is [the] sense of shame. The question is now how to produce this second kind of fear. He gives this very interesting example, and says if you want to make a man truly courageous and if there were a drink in the world which would lead to the utmost of depression and fearfulness, would we not give this to men in order to make them brave? Because after they have remained brave even under the influence of that drink, how brave will they be afterward? This, I believe, is the description of the death drink, hemlock, but we cannot go into that because here it is simply said [that] such a drink unfortunately doesn't exist. But as for pleasures and for fearlessness, a drink exists, and that precisely is wine. How to produce [a] sense of shame? Answer: by being exposed to temptations. If there exists a drink which tends to make a man become utterly shameless and yet he learns to resist the effects, then he will be truly shameful. In order to get the most well bred, we make them drunk, so that they behave like perfect gentlemen even in the state of perfect drunkenness, complete drunkenness. And then we have really achieved the mastery. This is the effect of wine. Now let us look at that at the end of this speech. I think we can read the last speech of the Athenian. Now this is a kind of utopian proposal: let us make drunkenness an educational institution. And everyone who has gone through that and learned to control himself, [learned] still to know what he does while completely drunk, then we have achieved complete self-mastery in our pupils. That would be wonderful. And then he gives another consideration in the speech which follows, the speech we read now.

Reader:

> [Ath.:] And are not these conditions in which we are of the character described,—anger, lust, insolence, ignorance, covetousness, and extravagance; and these also,—wealth, beauty, strength, and everything which intoxicates a man with pleasure and turns his head? And for the purpose, first, of providing a cheap and comparatively harmless test of these conditions, and, secondly, of affording

> practice in them, what more suitable pleasure[xvi] can we mention than wine, with its playful testing—provided that it is employed at all carefully? For consider: in the case of a man whose disposition is morose and savage (whence spring numberless iniquities), is it not more dangerous to test him by entering into money transactions with him, at one's own personal risk, than by associating with him with the help of Dionysus and his festive insight? And when a man is a slave to the pleasures of sex, is it not a more dangerous test to entrust to him one's own daughters and sons and wife, and thus imperil one's own nearest and dearest, in order to discover the disposition of his soul? In fact, one might quote innumerable instances in a vain endeavor to show the full superiority of this playful method of inspection which is without either serious consequence or costly damage. Indeed, so far as that is concerned, neither the Cretans, I imagine, nor any other people would dispute the fact that herein we have a fair test of man by man, and that for cheapness, security and speed it is superior to all other tests. (649d-650b)

LS: What do they do today in order to test character? Do they use wine for that? I imagine some people still do, and try to influence a man by cocktails and then see when he opens up what is inside. But I think the Rorschach test and such things are used now. Now this is interesting. Why do they not still use wine? I believe then you still have to judge. I mean, for example, you make him drunk and then he behaves in a certain manner, then you have to judge what this behavior indicates. But in the Rorschach test, you know, you don't have to judge properly, I believe, because if he gives this kind of answer, you know this must be called this or that, if I am not mistaken. But at any rate, the necessity of knowing characters was clearly recognized, only Plato thought that it was much less expensive among other things. And now the last sentence of this chapter.

Reader:

> [Ath.:] This then—the discovery of the natures and conditions of men's souls—will prove one of the things most useful to that art whose task it is to treat them; and that art is (as I presume we say) the art of politics: is it not so? (650b)

LS: In other words, politics is not dependent on psychology, but psychology is a part of politics because the same art which treats the soul and the habits is the one which has to know the soul and the habits. That cannot be delegated to another art, because if you divorce that merely contemplative study of the character from the practical study, from the study of how they are to be treated, you get a wrong picture.

We have to stop our reading here. I would like only to mention a few points which could not come out clearly in our reading of these selections. Now at a certain point in the discussion, roughly in the middle of the First Book, the Athenian Stranger says: Well, we have finished our discussion of courage, because as far as courage is concerned your legislations are perfectly sufficient in this respect. They do produce courageousness. But what about moderation or temperance? So in this connection, as a means for making men moderate, wine-drinking, in itself a thing likely to lead to immoderation, is suggested. In

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[xvi] In the Loeb: "device"

this connection, while he discusses it, he makes a certain important substitution which we must keep in mind for the rest of the dialogue, namely, instead of moderation, *sophrosynē*, he says from a certain moment on *aidōs*, sense of shame. Sense of shame is akin to moderation but it is not the same. This corresponds to a substitution of the old for the wise. There is no necessity that the wise should be old, and there is no necessity that the old should be wise. But popularly speaking it is justified to say, generally speaking, [that] the older men are the wiser men, because most men do become somewhat more sensible through age. And the third substitution, which is equally important and which strictly corresponds to them, is the substitution of law for wisdom, or rather for true reasoning. Law reflects true reasoning if it is a good law, but it is not simply true reasoning, just as oldness reflects wisdom and the sense of shame reflects moderation. But [when] speaking of laws we deal with these reflections rather than with the genuine thing. Laws are a dilution, a necessary dilution, of something which in its undiluted form is of course higher.

The education to moderation is said to take place through drunkenness. Wine takes away all inhibitions. It makes men shameless. And this has one great advantage: it lets us see the[ir] character. Some people who are very grumpy in ordinary life become very chummy and nice when they are drunk; and others who seem to be very nice people become vicious when they are drunk. The old proverb: *in vino veritas*, the truth is in wine. Now if one wants to understand these discussions, and especially those of the Book following, one has to look forward toward the end of the Second Book. At the end of the Second Book it is said: Here now we have reached the end of the speech regarding wine [674c]. With a minor exaggeration one can say the first two Books, that is to say a sixth of the whole work, is devoted to the subject of wine or of drunkenness. Surely, wine or drunkenness is taken only as a specimen with which we should study how intelligent legislative consideration would have to take place.

But the question is, of course, why is wine chosen and not any other subject? Why is wine *the* introduction to a conversation about laws? And I think one can give this general answer. Wine has two opposite effects, as we have seen. I will restate them now as follows, following Plato. First, wine leads to frankness. People say under the influence of wine things they would never say when sober. So wine leads to a kind of sincerity which you do not get necessarily without it. On the other hand, wine numbs the clarity of thought, surely from a certain point on.

Now let us see how this affects our speakers. The ideal interlocutors in a conversation regarding law are old lawyers, or administrators of a sort, in lawabiding communities, communities which think along legal terms all the time—the Spartans and the Cretans. But this very lawabidingness makes them disinclined to a change of law; they live in the laws and they regard the laws as the last word. If they are to be induced to a change of their laws, to an improvement of their laws, they must be loosened up. They must be brought into a condition where they are willing to grant that their laws may have these and these defects. They become more intelligent by wine-drinking. Of course they do not drink wine; they only speak about wine-drinking. But, as you may perhaps find out or you may even have found out today, when you talk about something which affects our

emotions, we suffer vicariously these emotions. In other words, if you would go into a detailed discussion of how wine-drinking affects us, you would come into a gay mood. You couldn't help that. The speech about wine has vicariously the effect of drinking wine. The same applies to other subjects which might be compared to that, as you could also find out either experimentally or by reading the literature on the subject.

So the Spartan and Cretan need the wine for becoming more intelligent. But what about our educator, our old Athenian Stranger, who is to educate them in the direction of better laws? He is a free mind, anyway; he needs rather the opposite effect of wine, the benumbing effect, the delimiting effect, in order to take seriously quite a few of these issues in which he cannot be primarily interested, for example, how fishing and hunting and other activities should be regulated. He would not be interested primarily in this. There must be some compulsion, some limitation. The lowering of his intelligence is brought about also by wine. I think again experience would show that. In some respects people become more intelligent, the power of combination can be increased in many people by drunkenness and that is in a way a higher intelligence. But other people combine still better when they are sober. So by this conversation about wine-drinking, the ideal situation for a serious discussion on laws is created.

A serious discussion on laws is not a theoretical discussion but a practical discussion as to how to improve the laws here and now. And one starts such a discussion of course in a most promising place, namely, in a state which has the best laws existing in fact. This condition is fulfilled in Crete and Sparta, at least seemingly, at least according to the general opinion. That is what takes place here. And therefore this meeting of the merely political[28] mind and the strictly philosophical mind on a common level. That is the maximum you can expect as far as laws are concerned. And that is what Plato claims to have done in this book, the *Laws*. The irony of the situation consists in the fact that many of these laws which he will propose later on, and which are already indicated in the banquet, were Athenian institutions, the old Athenian institutions, the Solonic institutions, which he brings to Sparta and Crete. It is an attempt, in other words, to civilize, one could say, the less civilized part of Greece. And that is brought about in this way. And how drunkenness—i.e., banquets, common drinking—can be conducive to education, to civilization, to culture, will be explained in the next Book.

[end of session]

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[1] Deleted "than the."
[2] Deleted "virtue or its opposite, vice."
[3] Moved "must there."
[4] Deleted "and that is."
[5] Deleted "and they."
[6] Deleted "in this case."
[7] Deleted "can."
[8] Deleted "he."
[9] Deleted "'n.'"
[10] Deleted "whether it is not."
[11] Deleted "disregarding relevant things."
[12] Deleted "of."
[13] Moved "certainly Aristotle would grant that and Plato in the *Laws* is also aware of that."

[14] Deleted “page 25.”
[15] Deleted “not.”
[16] Deleted “page 29.”
[17] Deleted “that.”
[18] Moved “Sparta has then.”
[19] Deleted “others.”
[20] Deleted “640b7, page 35.”
[21] Deleted “he.”
[22] Deleted “as if.”
[23] Deleted “636b4.”
[24] Deleted “that.”
[25] Deleted “that.”
[26] Deleted “of.”
[27] Deleted “the.”
[28] Deleted “and.”

Session 5: January 29, 1959

Leo Strauss: I have to say almost the same as what I said about the previous paper.[i] There were quite a few subtle remarks, some surely correct; for example, Megillus' strange silence for such a long part of the argument. In other words, the problems were at least indicated, but the structure of the argument, of the obvious argument, has not become clear. I will try to explain what I think is the structure of the argument. We have to go into the details of course.

We have now read the first two Books, and it is a very remarkable thing in a Platonic dialogue that in a way the first two Books deal with the highest theme. In a way. You know usually a Platonic work ascends from the most superficial phenomena to the depth. Think of the *Republic*, where the highest theme clearly comes to sight only in the center, Books 5 through 7. But here we have, in a way at any rate, the highest theme right at the beginning, the highest theme being of course what is the end, the purpose, of legislation. And this includes already a definition of law, which is given amazingly early for a Platonic dialogue. Now this end of legislation, we have learned, is virtue. If that is so, legislation is essentially education, moral education. A very amazing statement with a view to what legislation means today and meant at all times. But this is surely not only Plato's view but Aristotle's view as well. The chief instrument of moral education is what? That appears from these two Books.

Student: Music.

LS: Fine art, let us say. The Greek called that music.

Student: The Muses.

LS: Whatever the Muses supply. But since not all fine art is conducive to moral goodness, we have therefore to find out what are the criteria of fine art. This is the theme of the first two Books. But all this is interwoven with the theme drunkenness or wine, and we must understand this interwovenness a bit better. Now what is moral education? We have to start from this question, or, what is education? as he simply puts it. The answer given in the First Book was: arousing in children love of excellence in citizenship. At the beginning of the Second Book it is said [that] wine-drinking is a salvation, *sōteria*. How could one translate this perhaps a bit better? A salvation of right education, meaning wine-drinking is not an element of education, as we shall see later on, but the right education is somehow saved, protected, by wine-drinking. This is the wholly mysterious statement at the beginning of the Book, and we must see later on in what sense this is true. After he has made this statement he gives a new definition of education which we must read (653a3 to e4). This is the first long speech of the Athenian in the Second Book.

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[i] Strauss responds to a student's paper, read at the beginning of the seminar. The reading was not recorded.

Reader: [Ath.:] "What I state is this,—that in children the first childish sensations are pleasure and pain, and that it is in these first that goodness and badness come to the soul—" (653a)

LS: Now he qualifies what he had said before. It is not true that pleasure and pain are the sole matter of virtue; it is the primary matter.

Reader: [Ath.:] "but as to wisdom and settled true opinions, a man is lucky if they come to him even in old age; and he that is possessed of these blessings, and all that they comprise, is indeed a perfect man." (653a-b)

LS: A complete human being, *anthrōpos* in Greek. It is very important that he doesn't say *anēr*, male man. Here now he defines the education of the human being, not the education of the citizen.

Reader:

> [Ath.:] I term, then, the virtue[ii] that first comes to children "education." When pleasure and love, and pain and hatred, spring up rightly in the souls of those who are unable as yet to grasp a rational account; and when, after grasping the rational account, they consent thereunto that they have been rightly trained in fitting practices:—this consent, viewed as a whole, is goodness, while the part of it that is rightly trained in respect of pleasures and pains, so as to hate what ought to be hated, right from the beginning up to the very end, and to love what ought to be loved,—if you were to mark this part off in your definition and call it "education," you would be giving it, in my opinion, its right name. (653b-c)

LS: Well, can you state it in simple English, not that Plato didn't have his reasons for that complicated expression? But what does he understand then by education here?

Student: Knowledge of what is right and wrong.

LS: The word knowledge is ambiguous. Therefore it should be avoided.

Student: To love and to hate the right things, those things that ought to be loved and hated.

LS: Without the logos. Therefore it is not knowledge. Well, you all know what is done to children. They are told, Do that and don't do that; or, One does not do that. And in many cases the reasons cannot be given to the children because they wouldn't understand them. So complete virtue consists, we can say, of habituation *and* understanding of the reason why we do this and why we omit that. But the non-rational, the pre-rational part of virtue, that is, education, [is] habituation.

But now he goes on. The sequel is also important.

[ii] In the Loeb: "goodness" for "virtue."

Reader: [Ath.:] "Very good. Now these forms of child training—" (653c)

LS: But what does Clinias say?

Reader: [Kl.:] "You are quite right, Stranger, as it seems to us, both in what you said before and in what you say now about education." (653c)

LS: Yes. In other words, he is not aware of any difference. He is docile, but he is not penetrating. Continue.

Reader:

> [Ath.:] Very good. Now these forms of child-training, which consist in right discipline in pleasures and pains, grow slack and weakened to a great extent in the course of men's lives; so the gods, in pity for the human race thus born to misery, have ordained the feasts of thanksgiving as periods of respite from their troubles; and they have granted them as companions in their feasts the Muses and Apollo the master of music, and Dionysus, that they may at least set right again their modes of discipline by associating in their feasts with gods. (653c-d)

LS: So here we have an indication of what this salvation of education means. Merely habituated virtue becomes weakened in the course of time, and then these various gods, including Dionysus, the god of wine, are said to restore it.

Now another point which I would like to mention here: let us loosely [re]call what is done in the first part of education, an education in feeling as distinguished from reasoning. The full virtue is a harmony between feeling induced by habituation and understanding. This we must make clear. The most important silence, however, in this definition of education is that there is no reference to law here, and that has something to do with the fact that it is not a definition of the virtue of the citizen but[1] of the human being. Habituation brought about by complying with do's and don't's. Men resist these mere do's and don't's, and this resistance leads to a destruction of the habits; therefore we must look for a way of habituation which does not arouse resistance, and that is music education. For example, not simply say to a young child "Be quiet!" but order his desire for moving. That is the simplest form of music. Dancing, dancing steps, for example: regulated motion, not rest. And this combines the pleasure in mere motion and, at the same time, the fine or noble, the harmonious. This is where the choruses come in. So the choruses are the chief instrument of bringing about the harmony between feeling and understanding. This music education is said to be given by the gods and by different gods, the Muses, Apollo and Dionysus; or rather by the gods given through Muses, Apollo and Dionysus. But the first education, that is to say everything we call ordinarily education, is the work of the Muses and Apollo, not of Dionysus. Dionysus comes in as the savior of education. He comes in at a much later stage.

Now chorus means dance and song. Two points must be considered as regards the beauty of dance and song because, as you perhaps remember from earlier times, people made a

distinction between beautiful dances and ugly dances, beautiful songs and ugly songs. Now what are the considerations in order to establish the beauty? First, we can say, the content: what they represent, whether they represent something fine or something ugly. And second, what we may call the form, namely, the character of the performance. For example, people may try to imitate a noble man in a noble action but may do it very poorly. Or, to take a simple example from literature, you can praise virtue (the content is noble) in an abominable style—you know, in a cheap tract printed on blotting paper, or something like that. And here an interesting question arises which is only alluded to in 654b-d: What is preferable, good presentation of the ugly or bad presentation of the fine? Both are obviously imperfect, but what do we do in case we can't get the perfect? A problem with which you are certainly familiar from present-day performances. And now let us read another passage (654e3 to 7), that is to say, the last complete speech of the Athenian in 654.

Reader: [Ath.:] "What we have next to track down, like hounds on the trail, is goodness of posture and tunes in relation to song and dance—" (654e)

LS: Fineness. When [inaudible] or [inaudible] appears, it doesn't make any difference to the translator. Beautiful. The beauty of posture, song, melody and dance.

Reader: [Ath.:] "if this eludes our pursuit, it will be in vain for us to discourse further concerning right education, whether of Greeks or of barbarians." (654e)

LS: This is not unimportant. We are not concerned here with the difference between Greeks and barbarians. This difference is irrelevant for them because they are concerned with correct education, and this is already implied in what was said in the last definition of education, the education of a human being, not the education of Greeks. The correct education is defined by the nature of man, and therefore by the virtue of man. And it has in itself no reference whatever to Greekness. One cannot emphasize this too strongly, because in the ordinary interpretations of Plato the word "Greek city-state" is used as the key to the understanding. That is not Plato's view of the situation. If it is so, it is an accident from his point of view, namely, that it happens that the Greeks are more gifted in certain respects than other nations they knew. But that would be an accident; it would have nothing to do with the substance of the teaching.

Now we desire music which is representative of virtue. And we know—everyone admits—that different postures and tunes correspond to the good man than to the bad man. Think of the postures and tunes of a courageous man and of a coward. That is the example used here—or take any other, that is clear. If there were not such a visual and audible presentation of [inaudible] there could not be art, certainly not these arts mentioned here; I think that is obvious. But it is a miracle nevertheless that these qualities of the soul permit an unmistakeable audible and visual representation. And only on this basis is this possible. But there is here a difficulty (655b) at the end of the first speech of the Athenian.

Reader:

> [Ath.:] To avoid a tediously long disquisition, let us sum up the whole matter by saying that the postures and tunes which attach to goodness of soul or body, or to some image thereof, are universally good, while those which attach to badness are exactly the reverse. (655b)

LS: He says fine and ugly, of course. The prper presentation of virtue is fine and noble, and that of vice is ugly. Now you see there is here a difficulty, because what is to come out is not only the virtue proper, the virtue of the soul, but also the virtue of the body. And secondly, which is perhaps more important even, we may be compelled to rest satisfied not with the presentation of virtue but [with the presentation] of an image, or an imitation, of virtue. What can this mean? What is the difference between virtue and the image of virtue? What is the difference?

Student: Well, one is obviously inferior to the other.

LS: Yes, but can you explain this a little bit?

Student: Well, it may be more attainable, therefore, if it is inferior.

LS: That is important, and therefore we may say Plato is here deliberately lowering the demands which we can make. And?

Student: Well, there is the suggestion here that virtue really is being used in a more ideal sense than it was probably formerly used by Plato. That is, he now sees it more as an ideal and less as a practical possibility.

LS: That is not implied. He only says that in many cases, perhaps even in most cases, we cannot get a presentation of virtue. We must rest satisfied with the presentation of an image or an imitation of virtue. Now what could be the reason for that ultimately[2] [be, given that] this is a conversation among lawgivers and not merely people subject to laws? Well, it is [an] insufficient understanding of that.

Student: Is what?

LS: An insufficient understanding of virtue on the part of the lawgiver. The lawgiver may, and in most cases will, have an insufficient understanding of virtue. And then no social institutions, including these choruses, can rise higher because the stability of the social order is the primary thing to be considered. And then what the poets and the other artists have to do is to imitate this imitation of virtue. That explains the passage in the Tenth Book of the *Republic*, where the poets and painters are presented as imitators of an imitation. That is the common case, the ordinary case, except in a perfect polity. The poets would not imitate virtue proper but an imitation of virtue, that is to say some insufficient understanding of virtue, some misunderstanding of virtue. You see, what we call historical variety today is understood by Plato as due to an insufficient understanding [on the part] of the various societies of what they wish to understand. And since there is

an infinite variety, theoretically, of insufficient understandings, that is the root of the variety of cultures—of caves, as he would put it. Is this clear?

Student: Partially.

LS: What is the point which is not clear?

Student: Well, I am not exactly clear about this business of the imitation of an imitation. I don't see that exactly implied.

LS: Let us take the clearest case of the poets. The poets imitate virtue. That is their function. The poets represent, imitate virtue, but at the same time they have to obey the legislator. Now if the legislator has an insufficient understanding of virtue, can they criticize the legislator and present true virtue? That is subversive. Or must they not imitate virtue as the legislator understood virtue? If the legislator's understanding is insufficient, if what he understood is only an imitation, an image, of virtue, then they will imitate an imitation. Is this not clear?

Student: Yes.

LS: Was this the whole difficulty you had in mind?

Student: Yes.

Student: Is it impossible for any lawmaker to have a full grasp of virtue?

LS: As far as we have read hitherto, no. He is exactly trying to show those standards of excellence which can be embodied in legislation and which would present the perfect society. But this is of course not the whole story because, as we have seen partly in discussing the *Minos*, there may be something fundamentally wrong with law as law. Then, of course, no legislator, even the best, could present virtue in its full excellence even if he has understood it. We must leave that open for the time being.

Student: I don't understand why necessarily the poet must be the imitator of the imitation. Because if his function is, as you say, to represent virtue, can we not draw an analogy here to the philosopher, who is to see and present what the truth is?[3] The philosopher is [not] bound by the legislator in his function as philosopher, so why is the poet in his function as the representer of virtue bound by the legislator?

LS: Here you must make a distinction regarding the philosopher—and that, by the way, is a very important distinction—that the philosopher *qua* philosopher, i.e., thinking and thinking with other thinkers, cannot be bound by the legislator because that, [thinking], is subject to the intrinsic laws of thinking. But speaking, and especially public speaking, is an entirely different story. It is perfectly possible that the legislator says (and as a matter of fact our legislator is seen to say that in the Tenth Book) that certain discussions can take place only in a kind of cloister, or you can also call it a jail. I suppose it is a bit more

comfortable than most jails are likely to be, but, in other words, in seclusion. We have an example, by the way. Everyone has to say in public that all laws are fine [inaudible]. And even in this relatively simple situation there was also a kind of cloistered jail, namely, that an old man closeted with a magistrate may make clear that a given law is imperfect and should be changed. That is it.

Student: Then the poet's function is not simply the representation of virtue but the representation of virtue to someone, to some people who do not fit into this category of the transcendent being?

LS: You err, if I may say so, by an excess of sophistication. You overlook the most simple fact, namely, that every poet addresses his public. Poetry as distinguished from philosophy cannot be a merely mental thing, if I may say so. The poet produces a poem, which in itself is a public utterance. Philosophy as such is not a public utterance. It may become a public utterance; then it is teaching. But philosophy as such is not a public utterance. Therefore the case of the poet is obviously much simpler than that of the philosopher. If there are any laws regarding utterances, poetry surely falls under that one hundred percent, whereas philosophy falls under it only to some extent.

Student: Poetry does, but not the poet. And this is the significant distinction. If it is true that the poet's object, we might say, is to seek for a work of art, then so far as he is concerned as poet, he is unrestricted by the legislature or by the polis. If you want to argue that the work itself, then, is to be repressed or restricted by legislature, this I think is another thing than saying the poet is intrinsically—

LS: We come to that. There is a very refined discussion of the distinction made here, to what extent that is so—but still, at any rate, every artist creates something for public enjoyment. That there may be people who write poems and burn them immediately after having written them down may very well be. But how[4] could [one] know of their being poets? Poetry is essentially utterance, or let us say art is essentially utterance. Philosophy is not essentially utterance. That is, I believe, the crucial difference. Someone else had a question?

Student: I think a good deal of what I had in mind has been clarified, but I think it is possible to make the point that when we think of philosophers these days we do think of them as having a public or professional function, so that we identify philosophy with public philosophizing, either in discourse, publishing, or what have you. But is it the case that Plato does not conceive philosophy in this way at all, that it is not a professionalized thing?

LS: Yes. Professionalized, surely not. That is from Plato's point of view as absurd as the professionalization of poetry. From Plato's point of view that would be as absurd as to make, to professionalize poetry. I believe there are organizations of writers, even in the Soviet Union. But that is of course admittedly purely bureaucratic, and it has nothing to do with that. There are not departments of poetry at universities, for example. From Plato's point of view it is almost as absurd to speak of departments of poetry—almost as

absurd, not quite, but that will become clearer as we go on. It is good only that we keep this question in mind.

Now what I said about there being two considerations regarding choruses—that is to say, dance and song—the two considerations were the content and the form. I mentioned this before. This much for the time being regarding the objects of presentation or their presentation. But what about the subject, the human beings exposed to this presentation? Do all men enjoy representations of virtue and loathe representations of vice? That is by no means so. For example, take comedy. A very low fellow is presented and we enjoy the presentation. Here the question arises: Is not enjoyment by itself the criterion of music or artistic excellence? A question with which you are all familiar. But here we must remind ourselves of the objective of art: men should enjoy only noble things and not ugly things. In other words, we should strive for a coincidence of the noble things and the pleasant things. We are properly educated if we enjoy only the noble things and loathe the ugly things. The noble and ugly does not mean here of course the merely aesthetic, it means the moral. And that is the objective as it appears to him. Let us look at 655c-d, the speech of the Athenian there.

Reader: [Ath.:] "Then what are we to suppose it is that misleads us? Is it the fact that we do not all regard as good the same things, or is it that, although they are the same, they are thought not to be the same? For surely no one will maintain—" (655c)

LS: Will *say*. That is important.

Reader:

> [Ath.:] that the choric performance of vice are better than those of virtue, or that he himself enjoys the postures of turpitude, while all others delight in music of the opposite kind. Most people, however, assert that the value of music consists in its power of affording pleasure to the soul. But such an assertion is quite intolerable, and it is blasphemy even to utter it. The fact which misleads us is more probably the following— (655c-d)

LS: The "even" is a whole misunderstanding. "Blasphemy to utter it." "It is altogether blasphemy to utter it." So in other words, this is the forbidden thought: that the ugly things could be enjoyable and the noble things could be tedious. Men judge in fact as noble and fine what is pleasant to them, either by nature or by habit. If there is a conflict, there may be a conflict between nature and habit, so that by nature they enjoy the ugly but by habit they enjoy the noble or vice versa, i.e., that by nature they enjoy the noble but by bad habits they enjoy the ugly. What will happen in this case? This is in the next speech of the Athenian.

Reader:

> [Ath.:] Inasmuch as choric performances are representations of character, exhibited in actions and circumstances of every kind, in which the several performers enact their parts by habit and imitative art, whenever the choric performances are congenial to them in point of diction, tune or other features

> (whether from natural bent or from habit, or from both these causes combined), then these performers invariably delight in such performances and extol them as excellent; whereas those who find them repugnant to their nature, disposition or habits cannot possibly delight in them or praise them, but call them bad. (655d-e)

LS: Now we come to the crucial case.

Reader:

> [Ath.:] And when men are right in their in their natural tastes but wrong in those acquired by habituation, or right in the latter but wrong in the former, then by their expressions of praise they convey the opposite of their real sentiments; for whereas they say of a performance that it is pleasant but bad, and feel ashamed to indulge in such bodily motions before men whose wisdom they respect, or to sing such songs (as though they seriously approved of them), they really take a delight in them in private. (655e-656a)

LS: So this conflict between nature and habit is possible. What do people prefer in such a case? That question is here not answered, only raised. If people have a conflict of this nature, what do they claim to prefer?

Student: The habit.

LS: Yes. That is not said. It is important that it is not said, but it is implied. In other words, the public pronouncement, the utterance, follows social habit. The problem therefore can now be restated as follows, and it was in a way stated before. What we have to arrive at is harmony of nature and habit—what is by nature noble should also be the habitually noble—or[5] a harmony of the pleasant and the noble. Now we have to read another passage in 656d.

Reader: [Ath.:] "But at present this licence is allowed in practically every State, with the exception of Egypt."

LS: In other words, the license for the poets to present what is enjoyable to the public at large.

Reader:

> [Kl.:] How, then, does the law stand in Egypt?
> [Ath.:] It is marvellous, even in the telling. It appears that long ago they determined on the rule of which we are now speaking, that the youth of a State should practise in their rehearsals postures and tunes that are good— (656d)

LS: It is always noble or fine. I can't correct this translation all the time.

Reader:

> [Ath.:] these they prescribed in detail and posted up in the temples, and outside this official list it was, and still is, forbidden to painters and all other producers of

> postures and representations to introduce any innovation or invention, whether in such productions or in any other branch of music, over and above the traditional forms. (656d-e)

LS: The ancestral is more literal here.

Reader:

> [Ath.:] And if you look there, you will find that the things depicted or graven there 10,000 years ago (I mean what I say, not loosely but literally 10,000) are no whit better or worse than the productions of to-day, but wrought with the same art.
> [Kl.:] A marvellous state of affairs!
> [Ath.:] Say rather, worthy in the highest degree of a statesman and a legislator. (656e-657a)

LS: What is the model of Egypt? There all poets and artists are subject to the legislators, that means to the ancestral, because the legislator is here conceived primarily as a man who lays down the social order for the whole future. To the ancestral. The ancestral is not necessarily the good. You remember what we said before about the difference between virtue and an imitation of virtue. The first condition, before we go into any details, is, Plato says: we must admit the necessity of subjecting artists to legislative control. That is the first point. And that means, implies, no change: the less change the better. You remember what we had seen when reading the *Minos*, where this consideration of the unchangeability came up. The seeking for novelty is as such a social danger, as is stated in the immediate sequel. Now what is the problem? The perfect solution would be that men enjoy by nature the things which are by nature noble. This is, to say the least, extremely rare that someone is so well born that without an habituation, by his instinct, he is guided from the beginning of his life toward the noble and enjoys only the noble. Therefore people must be habituated to enjoy those things which are by nature noble. The children do not know that the noble things in which they are brought up are noble by nature. For them they are noble only by law, because the only reason which they can give ultimately is that they have been told to like that or to dislike the other. But what about the grownups? What about the legislators? Is it always possible, even for the best legislator, to establish or to consecrate the things which are by nature noble? Certainly not always. We must rest satisfied with images or imitations of virtue, and that means with something which acquires the status of nobility only by law, by enactment, by convention. What is by nature noble is attractive only to a few, but its imitation can be made attractive to all or to almost all by habituation, which includes consecration by the gods.

Now once we have such a state of affairs that some imitation of virtue is accepted by the legislator, it must be consecrated and frozen. That is what is here suggested. The idea underlying it is very simple: any social discipline is better than chaos or anarchy. We arrive then at noble things which are pleasant only through habituation. And that is the ordinary state of affairs, according to Plato. Therefore, the true problem of the legislator appears from here: How can we infuse into these accepted noble things such noble things

as are truly noble and therefore also by nature attractive, enjoyable? That is the problem. How to get out of this frozenness which is the indispensable condition of social cohesion. The problem has a certain kinship with that stated by Dewey in his book, *Human Nature and Conduct*, when he speaks of habit and impulse.[iii] Without habit no society is possible, but a merely habit-ridden society is lacking something, and therefore there must be what Dewey calls impulse. Plato doesn't call it impulse because not all impulses are desirable, of course; Plato speaks of the noble or of the natural end of man. But formally the problem is the same: that without a certain freezing (the cake of custom, as it was called), society is not possible, but there must be also provision for the other element. That is the problem with which the Second Book especially is concerned.

Now let us then return to the question whether pleasure is or is not the sole criterion of artistic excellence. This is a great difficulty because different people enjoy different things. The Athenian Stranger gives a long list of them. For example, children like puppet shows. What is the other example which he gives? The bigger children like comedy. And the educated women and adolescents, and perhaps generally the whole multitude, like tragedy. And the old men like the epic poems (658b-d). Different types of men like different things. Who is to be the judge? The best educated, naturally. The finest Muse is the one which pleases the man [who is] most outstanding in virtue and education. The poets are not subject to criticism by the public at large, which is incompetent, but by the most competent judges, by the pleasure of the most competent judges.[6] Pleasure alone is not sufficient because different people like different things: [it is] the pleasure of excellent men that is the criterion of the highest poetry.

We come now to the third definition of education (659c9 to e1) in the last speech of the Athenian in 659.

Reader: [Ath.:] "The argument seems to me . . . [iv] This is, I imagine, the third or fourth time that our discourse has described a circle and come back to this same point—" (659c-d)

LS: By the way, you see this is one of these nice things in Plato. Which is the fourth? Because we have seen three definitions of education [that] can easily be found. As to the fourth, one has to make some effort to find that.

Reader: [Ath.:] "namely, that education is the process of drawing and guiding children towards that principle which is pronounced right by the law—"

[iii] John Dewey (1859-1952), an American thinker, psychologist, educational reformer and one of the founders of The New School. *Human Nature and Education* (1922) is his study of the function of habit in human behavior.

[iv] The transcript's "The argument seems to me" is nowhere to be found in the Loeb text. We follow the uncertain fragment with the passage LS indicates in his instructions and the transcript seems to indicate with the words "to the same." (These we have changed, in accordance with the Loeb translation, to "to this same point.")

LS: Now let us be more precise. Toward that *logos* which is declared to be correct by the *nomos*, by the law. You see here the great qualification. It is not the *logos*, the reasonable principle, we may say, but that principle which is declared to be correct by the law. So not the reasonable principle itself but the law is here the highest authority.

Reader: [Ath.:] "and confirmed as truly right by the experience of the oldest and the most just. So in order—" (659d)

LS: The "most equitable" would be a better translation, or the "most gentlemanly." In other words, the judges are no longer the wise, say the philosophers, but the most respected members of the community. And you can easily see that these two things go together. We have here reasonableness, and then there would be the philosophers. Or then we have law, and then there would be the most lawabiding members, the most respectable citizens, would be the authority. The whole problem of legislation and of political life, for Plato, consists in this: that in fact you cannot go beyond the law and the most respectable members of the community. And that is clearly not enough. And that is a problem which is insoluble in technical terms, which can only be solved by judgment [inaudible]. How to get this true standard into the socially acceptable standards. As members of society we are not allowed, so to speak, to go beyond that. In a way, the polis, society, is closed to what is beyond society—and must be, otherwise it would be in a state of anarchy—and yet there must be some manner which prevents it. This manner cannot be legal; there is no legal constitutional provision for that. That depends on good luck of some kind that the law and the respectable members of the society may listen from time to time to a voice from [on] high. But you cannot depend on it. And there is no institutional solution for that problem, but it is nevertheless a problem. And we cannot afford to make life more simple than it is simply because that is an inconvenient state of affairs. So now let us continue this third definition of education.

Reader: [Ath.:] "So in order that the soul of the child may not become habituated to having pains and pleasures in contradiction to the law and those who obey the law—"

LS: And to those who have been persuaded by the law.

Reader: [Ath.:] "but in conformity thereto, being pleased and pained at the same things as the old man—" (659d)

LS: That is also interesting—the old man, who can be a very great fool, becomes somehow the representative of wisdom. That is also inevitable. In every culture, really high culture, respect for old age, for the bearers of the tradition (being the oldest, they are akin to the old), is inevitable. And this cheap wisdom which is today so common—that old men can be great fools—is of no great help here. The mere fact that they live longer in their tradition, say, seventy years and not just five or fifteen years, gives them a deserved credit to the community. That this is a somewhat dubious standard is true, but it is an indispensable standard.

Student: Is the criterion then the reason why as citizens they cannot go beyond law or the respected men in the society, the stability and cohesion of that society itself?

LS: You understand of course that law does not mean here law in the narrower sense, it means the whole way of life of the society: all customs, public tastes included. You must never forget that. Law is here the whole order of life.

Student: I was just wondering, to present a hypothetical question, would Plato agree that should this whole order of life be a very bad one—from Plato's or the philosopher's point of view—or let us say evil one, is it still forbidden to go beyond that?

LS: The point is this. If it is really an extreme case—if it, so to speak, rests only on perversity—then I believe Plato would say it couldn't last very long. That would be a simple case of tyranny. But if you take another society which contains quite a few good elements and all kinds of bad elements—for example, the old Mexican society prior to the Spanish conquest, with human sacrifice and so on—surely that is bad, from Plato's point of view at any rate. But the question is: What can you do? Can you simply start a campaign to abolish it? You see, in such a society, that which legitimates human sacrifice, legitimates also the prohibition against murder. And therefore you have to be very careful. That is the problem which Plato tries to solve, although he only gives, of course, the outline of such a solution. That is his problem. In our society, we have so many distinctions between civil laws and other kinds of laws that we no longer see the problem in its simplicity. But I believe that not much reflection and not much experience is needed to recognize the problem nevertheless also in our society. It wouldn't come up in the form of human sacrifice, but you have the famous question of the South, the whole desegregation question, and in this you have a present-day image of the complexity, i.e., that some decent southerners would not go along with the Supreme Court's decision.[v] *Decent* southerners. How come? The whole question of the tempo of change and of the method of change is of course implied in that.

Student: In the first part of your answer to that last question you said that if the society rested on perversity the problem might not, would not arise because the society would probably dissolve or end. But suppose in fact in a society resting on perversity, it did not end. Would then a philosopher be obliged to—

LS: Well, I think we have a good example in the case of the Nazi system, where the folly, the fundamental folly of the whole thing leads to folly also in the actions toward other nations, and to a war in which they were defeated.

Student: Yes, the society did end, but I am interested in the problem of the philosopher who is in the society before it ends. What is his obligation? Obviously this is not the kind of question that can be answered—

LS: No, no. I think retiring completely or leaving.

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[v] in *Brown* v. *Board of Education of Topeka* (1954).

Student: I see. He doesn't have an obligation then to disrupt the public order? He could never have an obligation to disrupt the public order?

LS: No one has an obligation beyond his power, beyond what he can do. This problem and how it has to be discussed from Plato's point of view can be shown from the documents in Plato and Aristotle. All regimes under which Plato and Socrates lived were regarded by them as very imperfect. But there were great differences. And the worst was the regime of the Thirty Tyrants: much inferior. As Plato puts it in the Seventh Letter, when these Thirty Tyrants ruled, the previous democracy, which he did not admire, looked like the Golden Age. What a hyperbolic expression, so terrible was it. Now what happened? Socrates was asked to act as a member of their police force to arrest someone they didn't like. What did Socrates do? He refused to obey. And he was perfectly willing to bear the consequences. But, on the other hand, he was not politically active, while others were. The politically democratic people, like Thrasymachus, had left and organized a kind of liberation army and came back. One reason for this was that Socrates was not a democrat, surely not connected with the democratic party there. I think that Socrates' rule can be stated as follows: it is identical with that of passive resistance. You know what passive resistance means: refusing to obey things which are absolutely impossible but not direct rebellion. That was apparently his view. I am sure that flight or exile would be regarded as possible ways out. But I think this problem shows how terribly complicated the political problem is. There is no possibility of a simple rule of conduct which applies equally to all inferior regimes.

Student: I was just going to add then that from the considerations which you are saying, the criterion then whereby the law must be respected while you are a citizen, is not simply the prevention of anarchy or the continuance of the cohesion of the society, but also an element of good even in this bad society.

LS: Sure. But the question is how to get it into that. You must no forget one important thing, which I do not regard as the only important thing but a very important point. How shall I state that? Such thinkers as Plato were very honest. You can always minimize the problem by concealing the defects of the society, especially of law in the society. You can do that. But that was wholly alien to Plato. Plato saw these defects with perfect clarity, and his compliance or obedience, however you call it, was done perfectly with his eyes open. In modern times we have become accustomed to saying: Well, we accept all kinds of things in the prospect of infinite progress in the future. You know, there are certain social evils, and you profit in fact from them by being a member of that society. There is no question about it. Can you do that with a good conscience? Yes, you say, because I know, or I have a firm trust that this will be changed gradually in the future. Of course no one has ever asserted that this will take place. There may be a fair chance but no certainty. Now for Plato and Aristotle this prospect simply did not exist. As a vague possibility, yes, but not as something which would justify their compliance and their obedience. So the problem meant that for all practical purposes a good man has to comply with a very inadequately good social order. That is so. That is man's fate; it cannot be changed. That was the horizon which they lived in. They did not exclude the

possibility that in a given case, where a man has a possibility of effecting some change without a social upheaval, then he would be a very bad fellow, would not be a truly good man if he did not help bring it about. But this is very rare in their opinion. Our modern experience of very swift social and legal change, this doctrine, can never be presupposed. Frequent change was regarded as such as bad, the reasoning being: Why should change be a change for the better? If you believe in progress, you have an answer. But they did not. And we have come around now to becoming a little bit doubtful whether change is necessarily change for the better.

Student: Sure, which does not discredit change itself.

LS: No, no. But which leads to a caution about change that was not so easily understood, say, twenty or thirty years ago. That is the point. Now to come back to this third definition of education. We have seen the child should be brought up to enjoy what the old man enjoys.

Student: Is that possible?

LS: Well, that creates a problem. What is the alternative?

Student: To imitate the behavior of a good child.

LS: All right, but is not the child essentially directed toward grownups? Observe children. They imitate grownups. They know they are imperfect grownups. They know that. The alternative is Rousseau. . .[vi] . . . the fundamental problem is this: either childhood, as an imperfect stage, is directed toward the state of perfection—and then the treatment of children must be accordingly—

Student: I would agree with that, but he doesn't say that here. He says they should imitate the old men.

LS: That has the same status of the remark before, that Egypt, with its immutable laws regarding sculpture and painting and poetry, is the model. That is *half* of the truth. And the corrective of that, the salvation, is Dionysus. That comes in later. But you cannot see the necessity of this correction if you do not see the full implication of the primary demand. By the way, the contradiction occurs of course in Rousseau himself. In the spirit of the *Social Contract* this would be the truth, the perfectly well-brought-up child, who lives in subservience to his parents and especially to the grand old men of the polis. And then the same Rousseau writes in this strange book, the *Emile*, where everything turns around, that child who should not even know the word "authority" before he becomes twenty or twenty-one.

Student: Know words?

[vii] Cinyras was a legendary king of Cyprus; Midas was the legendary king of Phrygia.

LS: He should not even have an inkling of what authority is. That is the opposite. Plato sees the problem in the same complexity in which Rousseau sees it, only his solution is not this kind of education, without any authority, but a corrective of authority which is different and which is indicated by the word Dionysus. But we must see what that is. We have to go on now.

Now the supervision of choruses along these lines is practiced in Crete and Sparta, we are told, as distinguished from the other Greek cities. That is what Clinias says. But what about this practice? And here we reach a turning point in the dialogue. What the Athenian Stranger has done up to this point can be stated as follows. He has stated the implicit principle of these old Greek societies, Crete and Sparta, in the strongest possible form, and therefore he turns back to Egypt, which is still more stationery, still more old-fashioned, than Crete and Sparta are. And then in 660d-end.

Reader:

> [Ath.:] Suppose now that they were to become general among the rest also,—should we say that the method of procedure then would be better than it is now?
> [Kl.:] The improvement would be immense, if things were done as they are in my country and in that of our friends here, and as, moreover, you yourself said just now they ought to be done.
> [Ath.:] Come now, let us come to an understanding on this matter. In all education and music in your countries, is not this your teaching? You oblige the poets to teach that the good man, since he is temperate and just, is fortunate and happy, whether he be great or small, strong or weak, rich or poor; whereas, though he be richer even "than Cinyras or Midas,"[vii] if he be unjust, he is a wretched man and lives a miserable life. (660d-e)

LS: Now he is trying to formulate in the final way the content of artistic presentation. What are poets, painters and so on to present to the people. And the answer is this: bliss consists in virtue; more specifically, bliss consists in moderation and justice, the moral virtues. Now he develops that in the immediate sequel, which we should read.

Reader:

> [Ath.:] Your poet says[viii]—if he speaks the truth—"I would spend no word on the man, and hold him in no esteem," who without justice performs or acquires all the things accounted good; and again he describes how the just man "drives his spear against the foe at close quarters," whereas the unjust man dares not "to look upon the face of bloody death," nor does he outpace in speed of foot "the north wind out of Thrace," nor acquire any other of the things called "good." (660e-661a)

LS: I mention this only in passing. The poet is Tyrtaeus, who was attacked in the first book as preaching only courage. Now he is improved. Whether this is not the true

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[vii] Cinyras was a legendary king of Cyprus; Midas was the legendary king of Phrygia.
[viii] The Athenian here quotes from the song of Tyrtaeus, whom he mentions in 629.

interpretation, I do not know; one simply has to read the still remaining poems of Tyrtaeus, which I didn't do now. Now go on.

Reader: [Ath.:] "'For the things which most men call good are wrongly so described. Men say that the chief good is health, beauty the second, wealth the third; and they call countless other things "goods"—such as sharpness of sight and hearing, and quickness in perceiving all the objects of sense; being a king, too, and doing exactly as you please; and to possess the whole of these goods and become on the spot an immortal, that, as they say, is the crown and top of all felicity. But what you and I say is this,—that all these things are very good as possessions for men who are just and holy—'" (661a-b)

LS: You see, he replaces now moderate by holy or saintly. That is a long story, but I mention this only in passing. But what is the shocking thing which he says here by implication? Tyranny is good for good men. Absolute power, let us say. Go on.

Reader: [Ath.:] "'but for the unjust they are (one and all, from health downwards) very bad; and we say too that sight and hearing and sensation and even life itself are very great evils for the man endowed with all the so-called goods, but lacking in justice and all virtue, if he is immortal forever, but a lesser evil for such a man if he survives but a short time. This, I imagine, is what you (like myself) will persuade or compel your poets to teach, and compel them also to educate your youth by furnishing them with rhythms and harmonies in consonance with this teaching. Am I not right? Just consider: what I assert is that what are called "evils" are good for the unjust, but evil for the just, while the so-called "goods" are really good for the good, but bad for the bad. Are you in accord with me, then,—that was my question,—or how stands the matter?'" (661b-d)

LS: The so-called goods—in other words, what we commonly regard as goods, including tyranny—are good for the just and pious, but bad for the unjust. That is *the* content of the public teaching. From this, by the way, you see that some of the Western movies are good presentations. The performances are perhaps not so good, but the content is good. We must say that. Clinias however, as we see in the sequel, is not quite convinced. He does not believe that a man possessing all this worldly bliss without virtue is miserable. He grants that he lives in an ignoble manner, but not that he lives in an unpleasant manner. There is the difficulty. Now how is this difficulty to be solved? What shall we do? We have now to rush a bit and omit very important passages. Now we can say the fundamental dogma of this society is stated: certain utterances are forbidden, namely, that the useful is different from the just or that the pleasant is different from the just. You see, these are grave statements because there are doubtless pleasures which are unjust and vice versa, or duties which are unpleasant. The thesis is: moral virtue must be presented as bliss. And this is of course a very problematic assertion, because a man may possess moral virtue without being blessed, without being happy. You remember the difficulty we saw in the First Book when he said the divine goods are the necessary *and* sufficient condition of the human goods. That is now made the dogma of this society. And here we have a very strange passage to which today's report referred,[7] where, in order to settle that question, the Athenian Stranger engages in a dialogue with the gods, with Zeus and Apollo. And what do the gods answer? He asks the gods: Do you teach that the just life is

the pleasant life? What do the gods say? He only says they would act absurdly if they were to deny it, but they don't answer him. In other words, this dialogue with the gods is in fact a monologue of the Athenian. The question is whether in doing that he does not repeat here what Minos did at the beginning, i.e., Minos's conversations with Zeus. But then he turns to the ancestors or legislators, and here he is sure they would never say that the just life is an unpleasant life. And why not? Because the legislator is concerned with the preservation of his establishment, with compliance with its laws, and therefore with justice, and therefore he must praise justice, i.e., lawabidingness. And the highest form of praise in this case is to say, of course, that the life of lawabidingness is the most pleasant life a man can lead. And the same applies to the fathers when they talk to their sons. The case of the gods, who do not depend so much on what human beings do, is naturally different. [That] the best life is the justest life is explained in the sequel, but it is made clear that the pleasure in it is not necessarily the justice but the reputation coming from justice. Now if we reflect for one moment we see that here [the] just is not identical with the pleasant but only the best ally to it. But this leads to the other great question discussed in the Second Book of the *Republic*: Is it true that the just man necessarily possesses the reputation of justice and the unjust man necessarily the reputation for injustice? You remember the case of the discussion of the ring of Gyges: that the thoroughly unjust man, if he is clever, will precisely get the reputation of being a just man and therefore have the best of both worlds. So this is a very problematic assertion which is made here and frozen, as it were. In 663d this is made clear.

Reader:

> [Ath.:] And even if the state of the the case were different from what it has now been proved to be by our argument, could a lawgiver who was worth his salt find any more useful fiction than this (if he dared to use any fiction at all in addressing the youths for their good), or one more effective in persuading all men to act justly in all things willingly and without constraint?
> [Kl.:] Truth is a noble thing, Stranger, and an enduring; yet to persuade men of it seems no easy matter.
> [Ath.:] Be it so; yet it proved easy to persuade men of the Sidonian fairy-tale,[ix] incredible though it was, and of numberless others.
> [Kl.:] What tales?
> [Ath.:] The tale of the teeth that were sown, and how armed men sprang out of them. (663d-e)

LS: Let us stop here, perhaps. In other words, the decision is this: regardless of whether the just life is the pleasant life or not—that can be left open—it is certainly salutary and therefore the people must be persuaded of it. That is the parallel to the noble lie of the *Republic*, this passage here. And here we see the necessity for art is connected with this, with the difficult stages of the proposition that the just life is the pleasant life. An idealization of how human life actually is is required for educational purposes, and that is the function of the poet.

[ix] The myth indicated is the tale of Cadmus, the mythological founder of Thebes.

We have now reached the definition of the key content of art in the good society: the praise of the just life as the pleasant life. There are, by the way, very many great works of art which comply with that. Many in the past; many more than one would think. So, say a hundred and fifty years ago, this proposition would not have appeared as strange as it appears now. But now we have to turn to the question of performance, that is to say the question of the choruses themselves. In 665c-d three choruses are distinguished, according to the Spartan usage: the boys, men up to thirty, and then above thirty and up to sixty. But then the Athenian introduces a fourth chorus, which however is not a chorus proper (because they don't sing but only tell myths), of those older than sixty. Clinias somehow can't count; he doesn't see that there are really four instead of three, and somehow doesn't understand that at all. The difficulty is this: we have four choruses and three gods: [the] Muses, Apollo and Dionysus. Therefore we should only have three choruses, the third chorus being that of Dionysus. This is an ambiguity which goes through the rest of the book. What is the third chorus? Or what is the chorus of Dionysus? Clinias suggests then that the third chorus is that of the men between thirty and sixty, which is the Spartan thing, [and that it] should be identical with the chorus of Dionysus. And the Athenian accepts that. The problem becomes clearer in 665b, at the end.

Reader:

> [Ath.:] That is, indeed, perfectly true. It needs argument, I fancy, to show how such a procedure would be reasonable.
> [Kl.:] It does.
> [Ath.:] Are we agreed about our previous proposals?
> [Kl.:] In what respect?
> [Ath.:] That it is the duty of every man and child—bond and free, male and female,—and the duty of the whole State, to charm themselves unceasingly with the chants we have described, constantly changing them and securing variety in every way possible, so as to inspire the singers with an insatiable appetite for the hymns and with pleasure therein. (665b-c)

LS: And Clinias agrees without any hesitation. Now the whole polis must charm itself constantly with the myth, with this basic myth of the simple identity of the pleasant life and the just life. And yet [here is] a very novel suggestion: change of the songs. You see that? In other words, the opposite of the Egyptian lack of change. This is the problem: how to introduce change and variety without disturbing the whole. And this question is presented superficially here in this form. What is the place in this singing activity—and singing here means much more than occasional choruses, this charming activity by which the citizens charm each other into this belief—what is the place of this singing activity for the oldest and wisest? They are ashamed to sing. That men of seventy should sing in public—how can they be induced to sing in public? The answer is obvious: if they are drunk. And therefore this is the comical introduction of drunkenness. Then in the sequel the orders are given regarding wine-drinking. These were mentioned in today's paper. Up to 18, no drinking of wine at all; up to 30, moderative wine-drinking; and from 30 on, wine parties. What is the function of that? Why should those older than 30 drink wine? In order to make them more malleable. The hardness, the crustedness, of aging is to be prevented; the hardening of the habits is to be prevented. So in other words, the

introduction of drunkenness is connected with the introduction of change; the greater malleability stands for that. But what should they sing, these old men, this chorus of Dionysus? Surely the most beautiful songs. The most beautiful song is different from the song of the other choruses. That is seen in 666d.

Reader:

> [Ath.:] What manner of song will the men raise? Will it not, evidently, be one that suits their own condition in every case?
> [Kl.:] Of course.
> [Ath.:] What song, then, would suit godlike men? Would a choric song?
> [Kl.:] At any rate, Stranger, we and our friends here would be unable to sing any other song than that which we learnt by practice in choruses. (666d)

LS: They could not go beyond the habitual, and the Athenian gives now the explanation. Now this is a key passage for the change in orientation.

Reader:

> [Ath.:] Naturally; for in truth you never attained to the noblest singing. For your civic organization is that of an army rather than that of city-dwellers, and you keep your young people massed together like a herd of colts at grass: none of you takes his own colt, dragging him away from his fellows, in spite of his fretting and fuming, and puts a special groom in charge of him, and trains him by rubbing him down and stroking him and using all the means proper to child-nursing, that so he may turn out not only a good soldier, but able also to manage a State and cities—in short, a man who (as we said at the first) is more of a warrior than the warriors of Tyrtaeus, inasmuch as always and everywhere, both in States and in individuals, he esteems courage as the fourth in order of the virtues, not the first.
> [Kl.:] Once again, Stranger, you are—in a sort of a way—disparaging our lawgivers.
> [Ath.:] It is not intentionally, my friend, that I do so—if I am doing it; but whither the argument leads us, thither, if you please, let us go. (666d-667a)

LS: Now he admits for the first time frankly that he is rejecting these laws.

Reader: [Ath.:] "If we know of a music that is superior to that of the choirs or to that of the public theatres, let us try to supply it to those men who, as we said, are ashamed of the latter, yet are eager to take a part in that music which is noblest." (667a-b)

LS: He had questioned the principle of unchangeability, of fixity. He now goes a step beyond that, but the same principle is involved. What is wrong with Sparta and Crete in their education?

Student: They don't account for the individuality of character.

LS: They are herds. You remember herds from the *Minos*. They are herds; they do not take the individual out of this cohesive society in order to make him see something

beyond that. So the finest song for which we are seeking is beyond the choruses, it is transchoric. Now chorus means, of course, a society. Aristotle, in the *Politics*, when he discusses the unity of the polis, uses the example of the comic and tragic choruses. Some of you may remember that. The finest song is beyond the chorus; it is beyond the public, it is beyond the polis. Now what is that finest song? What is that finest Muse? It seems to be rather elusive. Sometimes we think they are the men between thirty and sixty, and sometimes we think they are the men above sixty. Maybe there is no clear age determination possible for that. Plato answers the question in the following, somewhat roundabout, way. We are concerned with the question of what are the criteria of performance as distinguished from the content. We have to analyze song. Its elements are found: grace (or pleasure); some form of correctness; and third, usefulness. Only that work of art is perfect which has grace, which has some correctitude, and which is useful.

Now in the case of food and learning correctness and usefulness coincide. The correct and useful in the case of food is the healthy. That is the correct and at the same time the useful. In the case of learning the same is true.[8] [Truth] is the correctness regarding learning and also the usefulness of learning consists in understanding the truth. But here we are not concerned with food and learning but with the imitative arts. The imitative arts produce similarities. What are the criteria here? Clearly grace again, pleasure. A work of art which is tedious is not good. But what is the correctness? The correctness is called here equality in quantity and quality, and this must never be judged by pleasure but only by the truth. What can this mean, that the correctitude of a work of art consists in equality of reproduction? Is this not absurd? For example, that the precise proportions of the thing have to be preserved in the painting. Can this be a good painting? He doesn't say a word here about the usefulness. Why does he not speak about usefulness? That should be clear from the preceding discussion. Well, we have been told what the useful is: moral education. But what about this correctitude? It is made clear in the immediate sequel that poetry, or the art, is really concerned only with similarity and not with equality of reproduction, to say nothing of other things. How would you explain that? I mean, if you would hear out of context that a Platonic spokesman has spoken of the finest Muse, what would you say? Can there be any doubt?

Student: Philosophy.

LS: Sure. In other words, what is happening here is this, that in this whole discussion it is not clear: Is the finest muse some mythology, perhaps, or philosophy? And this ambiguity is of course perfectly intelligible, because of the difficulty of philosophy becoming a social force. Don't forget the immediate situation, that is, in Crete. They have never heard of philosophy. But the difficulty is this: if the Athenian Stranger talks to a Cretan, a Cretan legislator, he somehow cannot bring up philosophy, at least not until after a very long and complicated preparation. But on the other hand, it is impossible to talk about society, legislation, or however you call it, without speaking of philosophy. It is impossible. So it must come in a concealed and indirect way. That is what is happening here. Let us see 668b, the first speech of the Athenian there.

Reader: [Ath.:] "Thus those who are seeking the best singing and music must seek—"

LS: That is the finest singing, the noblest.

Reader: [Ath.:] "as it appears, not that which is pleasant, but that which is correct; and the correctness of imitation consists, as we say, in the reproduction of the original in its own proper quantity and quality." (668b)

LS: That doesn't make any sense if it applies to the imitative arts, but does it make sense of philosophy? Can one say that philosophy is an exact imitation of something? Truth was once defined, in former times, as an adequation of the intellect and the thing. Now if philosophy is, or is striving for, knowledge of the truth regarding the most important things, the philosopher reproduces the true character of being. And to that extent, and that is Platonic usage, he imitates this in his thought. Plato sometimes [speaks of] philosophy as imitation. But if philosophy is imitation, and philosophy and science are[9] [possible], then it is of course exact imitation and not the mere production of a similitude. The finest song of the muse is concerned with exact reproduction. By the way, then we understand why there must be a fourth chorus, a fourth chorus which is not really a chorus, as we have heard, and which deals with the finest song and is dedicated to the finest muse, and where he cannot say or which we cannot coordinate in a one-to-one relation with any age group. They may be surely above thirty, I suppose, but whether they are younger than sixty or older doesn't make any difference. If you will read the immediate sequel you will see this more clearly. To judge of the correctness of imitation, one must know the thing imitated. Now that can be understood in a very trivial way. You cannot judge of a painting of a horse if you do not know it is a horse which is painted. That is indeed trivial. But correctness is distinguished from beauty.

What then are the criteria for judging? The judge of a work of art must know three things: first, the thing—and this is ambiguous, I mean, in the vulgar sense he must know a horse from sight, otherwise he could not recognize it in a painting. But that can also be deepened. If it is, for example, justice which is to be imitated, to take again a simple example, then who has the knowledge of justice? Only the philosopher. And therefore in one sense it can be the chorus of the old men, and in another way the condition can be fulfilled only by the philosopher. To repeat, the judge must first know the thing. Second, [he must know] whether the imitation is correct, say, that the horse does not look like a donkey. And[10] third, [he must know] whether the imitation is well done. What does that mean? Because you remember in a former distinction of criteria, he had spoken of grace, correctness and usefulness. The problem of understanding that could consist in seeing how these two triads are related. The one: grace, correctness, usefulness; and the other: the thing, correctness, and whether the imitation is well done. It appears from the sequel (670b-c) that the correctness consists in the propriety of the rhythm and the harmony. The highest chorus must have some knowledge of rhythms and harmonies in order thus to select what is proper for the various age groups. The poets, on the other hand, are experts in rhythms and harmonies. They do not have this superficial knowledge with which the judges may be satisfied. The poets are experts in rhythm and harmony, but they are not experts in the third, namely, [in] whether the imitation is noble or not. Our highest chorus, however, must have some knowledge of all three things. Now which three? The

essence of the thing (a term used here in 668c6), the usefulness of the imitation, and the grace of the imitation. Who is the best judge of the grace of the imitation?

Student: The philosophers.

LS: No, not necessarily.

Student: I was going to say the graceful man.

LS: But still, let us leave it in somewhat more practical terms. Let us see a term more familiar to us: the artistic excellence. Who is the best judge of the artistic excellence, narrowly conceived? Well, the artist. Not necessarily the individual artist, who might be corrupted by his vanity in a given case, but the artists are the best judges of artistic excellence. That is admitted here. And, contrary to a certain simplistic notion which some people have of Plato's regulations regarding art, one must say this: nothing can be accepted by the legislators as desirable which does not have the approval regarding the artistic quality by the artists. That is the necessary condition; it is not the sufficient condition. The legislators judge, essentially, of its moral quality, moral effect. The artistic qualities, narrowly conceived, do not guarantee the moral effects; that is where the legislator or the political authority comes in. What I am driving at is something very simple, but I believe it is usually not said when people speak about Plato's doctrine regarding censorship. One could get the impression from a superficial reading of Plato that he would be perfectly satisfied with badly written, pious tracts. That is not true. He would reject them. They must be well written, they must have all poetic or other artistic qualities, only that is not a sufficient criterion. What is implied, and to that extent I agree with someone who made this remark today, is that one can depend on an intelligent judgment regarding the usefulness or correctitude in this sense only if the legislator were a very wise man. So the best judge would be a philosopher (from Plato's point of view) who knows the essence of the thing. That is true. But for practical purposes the combination of a legislator concerned with the moral character of the community with a man of artistic understanding, the artists themselves, alone can supply the proper rules.

Student: To judge of the work of art wholly then you would have to judge as to its grace, to its correctness, and to its usefulness. Now can one man do this even if he is a philosopher? In other words, does the philosopher combine the ability of the artist and the legislator?

LS: Well, in some cases, as Plato shows, yes; but it is not necessary.

Student: Then in some cases, lacking this exceptional man, the only true judgment which can be made is in a sense by the society itself.

LS: No, that is what he rules out—say by majority vote in a theater. He discusses that.

Student: I don't mean by majority vote. But somehow, if the full judgment requires all three of these elements, and these three elements are not normally to be found in one man

but only in several men, who make up this society, then somehow either the society is incapable of making a judgment of the worth of the art, a full and complete judgment—

LS: No. At a certain moment, a switch takes place. Originally he had distinguished the correctness from the artistic character. At the end the correctness is identical with the artistic character. So there are two criteria, eventually: the artistic character and the usefulness. As regards the usefulness, the legislator is the natural judge. As regards the artistic excellence, the artists, not necessarily the literary artists, are the best judges. The perfect solution is the agreement of both elements, the artists and the legislators: the artists passing judgment on the artistic qualities, and guaranteeing its sufficiency; the legislator passing judgment on its morality. If both instances agree, it is acceptable. If one of the instances vetoes, not only the legislator but also the artist, it is rejected.

Student: Well, it seems to me somehow that this still skips the problem because of what you said before regarding the difference between the legislator or the law and the reason and the philosopher. That somehow correctness, i.e., being true to the thing, enters into the work of art as an essential component thereof; then the judgment of this has to be reserved, in this respect, to the philosopher.

LS: Well, in a very radical consideration this would come up. But on the practical level, this would be sufficient: the two considerations of grace and usefulness.

Student: Yes, but we are talking now not on the practical level but on the more theoretical level of the full and complete judgment of this production, the painting, music, drama or whatever it is, as worthwhile. Which, on this subtle and distinct level—

LS: Very well, but what is the consequence of that? Surely you are right, and that is also what Plato means, i.e., that is the root of the difficulty of the second half of the Second Book. It would mean that you cannot have a good society without the rule of philosophers. That would be the conclusion. But you must admit that it is also[11] practically, [an] extremely questionable solution—you know, the improbability of ever getting that. And therefore, for practical purposes, it remains at the cooperation of the artists and the legislator. Even in the Second Book, I believe, of the *Laws*, to say nothing of what we will see later, there is a cooperation of the two. It looks as if there were a mere supervision, a mere control of the artists by the legislator. But that is not so, because the legislator must respect the artistic judgment of the artists. Later on we will see that the situation is reversed, because the legislator, in his judgment of the moral or useful qualities of the work of art, will prove to be dependent on the artists. That comes up later. In this primary stage it is the simple cooperation, although externally presented as a subordination of the poet to the legislator. This is later corrected: there is also a dependence of the legislator on the poet, because if the legislator is to give sensible laws he must know man—man and men. But who is the best interpreter of the varieties of men? The artist. And therefore the legislator has to learn from them. But, in a radical consideration, philosophy has to come in. This is quite true. And that is, as I said more than once, provided for fully here by the ambiguity of the third chorus, of this chorus devoted to the finest song, and the undefined character. But there are some clear

indications that this finest song, this finest muse, is concerned with an exact imitation, and this cannot apply to any imitative art; it can only apply to theoretical understanding.

Now a few words about the end. In 671, beginning.

Reader: [Ath.:] "The primary intention of our argument, which was to demonstrate that our defence of the Dionysiac chorus was justifiable, has now been carried out to the best of our ability." (671a)

LS: The defense, literally translated, the assistance. The Athenian came to the assistance of the chorus of Dionysus. Why did he come to the assistance of the chorus of Dionysus? Why did he come to that? Because it was attacked by the Spartans: the Athenians were accused of drunkenness. So he went to the assistance of the ancestral Athenian institution of drinking parties, symposia.

Reader:

> [Ath.:] Let us consider if that is really so. Such a gathering inevitably tends, as the drinking proceeds, to grow ever more and more uproarious; and in the case of the present day gatherings that is, as we said at the outset, an inevitable result.
> [Kl.:] Inevitable.
> [Ath.] Everyone is uplifted above his normal self, and is merry and bubbles over with loquacious audacity himself, while turning a deaf ear to his neighbors, and regards himself as competent to rule both himself and everyone else. (671a-b)

LS: Here he speaks of the effects of wine. That also does not come out very clearly in the translation. The effects which are mentioned here are *parrhēsia*, that is to say, a willingness, and more than a willingness, to say everything. A complete absence of any inhibition and an indifference to what the others say. In Greek that is very nice: a refusal to hear, no hearsay in the widest sense; no tradition, in other words, has any power over them—the complete liberation from all authority. That is the first thing. Now what is the second thing?

Reader:

> [Ath.:] And did we not say that when this takes place, the souls of the drinkers turn softer, like iron, through being heated, and younger too; whence they become ductile, just as when they were young, in the hands of the man who has the skill and the ability to train and mould them. And now, even as then, the man who is to mould them is the good legislator. (671b-c)

LS: So in other words, they become susceptible to change. They acquire that lack of inhibition; they can openly admit the defects of the traditional *nomos*; and they can be led to something else. That is what is presented here by wine. And then there is a remarkable story in the sequel (672a).

Reader:

> [Ath.:] Then we must no longer, without qualification, bring that old charge against the gift of Dionysus, that it is bad and unworthy of admittance into a State. Indeed, one might enlarge considerably on this subject; for the greatest benefit that gift confers is one which one hesitates to declare to the multitude, since, when declared, it is misconceived and misunderstood. (672a-b)

LS: Mind you, these were all not the greatest benefits of wine. That is now given in the sequel.

Reader:

> [Kl.:] What is that?
> [Ath.:] There is a secret stream of story and report to the effect that the god Dionysus was robbed of his soul's judgment by his stepmother Hera, and that in vengeance therefor he brought in Bacchic rites and all the frenzied choristry, and with the same aim bestowed also the gift of wine. These matters, however, I leave to those who think it safe to say them about deities; but this much I know— (672b)

LS: You see, "I know" is emphasized: about the gods, that he doesn't know, but here, that he knows.

Reader:

> [Ath.:] that no creature is ever born in possession of that reason, or that amount of reason, which properly belongs to it when fully developed; consequently, every creature, during the period when it is still lacking in its proper intelligence, continues all in a frenzy, crying out wildly, and, as soon as it can get on its feet, leaping wildly. Let us remember how we said that in this we have the origin of music and gymnastic.
> [Kl.:] We remember that, of course.
> [Ath.:] Do we not also remember how we said that from this origin there was implanted in us men the sense of rhythm and harmony, and that the joint authors thereof were Apollo and the Muses and the god Dionysus?
> [Kl.:] Certainly we remember.
> [Ath.:] Moreover, as to wine, the account given of other people—[x] (672b-d)

LS: Of *the* others.

Reader: [Ath.:] "apparently is that it was bestowed on us men as a punishment, to make us mad; but our own account, on the contrary, declares that it is a medicine given for the purpose of securing modesty of soul and health and strength of the body." (672d)

LS: Now you see, here you had first a myth which pronounces against wine, and this myth has a punitive content. And the *logos*, it favors wine; it is non-punitive. And the

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[x] In the Loeb: "by other people" for "of other people."

crucial point is this. What is the origin of that madness which we see in very young children, and to some extent also in grown-ups, and which is the root of dance and song? What is the root of madness according to the myth?

Student: The Bacchic rites.

LS: Well, Hera. Hera, the stepmother of Dionysus, has inflicted that madness as a punishment. And what does the *logos* say about the origin of that madness? He speaks here in dl, as you see, [of] *tēn archēn tautēn*, the real origin or initiative. What is that? Not Hera, but what?

Student: Nature.

LS: *Physis*, sure. That is the point here. The non-punitive reference to *physis* replaces the punitive reference to the traditional gods.

And then there is one more point. It would be too long to read and I mention only this. They have finished the discussion of music, but music is only one-half of this whole art of education. The other half is what?

Student: Dancing.

LS: No.

Student: Gymnastics.

LS: Gymnastics. Now we are promised in 673d7-8 that the discussion of gymnastics will be given in the immediate sequel. There is no question that this is the meaning of the passage. But it is given only in the Seventh Book or thereabouts. What happened? What does he speak about in the Third Book?

Student: He speaks about the art of legislation and the art of primary legislation.

LS: Yes, but that is too narrow.

Student: Well, that's the political content.

LS: No, no. Surely it is the polis. The first subject is this: the beginning of political life.

Student: That is misleading for the whole book, because the subject of the whole book seems to be what are the principles that should guide the lawgiver.

LS: All right. At any rate, one can say safely that at the beginning of the Third Book he presents the origin of the polis.

Student: Yes. At the beginning.

LS: And what they would call today the philosophy of history of Plato. So, say the polis is the theme, not gymnastics. Or could one possibly say the polis and gymnastics are the same? In this form it is clearly absurd, but what is gymnastic?

Student: Training of the body.

LS: Training of the body. He has spoken up to now of the training of the soul, and now we come to the training of the body. Why is the polis in a way the same as the body? That is the question. That is the problem. This is a very important point. Perhaps as a help I will say only this. In the *Republic*, where you also have a discussion of the polis in the Second Book, its origin, its beginning, there you get the city of pigs, what is called by Glaucon the city of pigs. And this city of pigs is called by Socrates later on the true city. And still later on, in the Fourth Book somewhere, it is called simply "the city." That is very strange, because we know how closely linked up in Plato's thought [are] city and virtue of the soul.[12] And yet we have also to consider the other aspect: that the city is in a very radical sense an affair of the body. One has to consider that. England[xi] is *the* commentator on the *Laws* and he has a remark (page 343[xii]) which you might read, which is very sensible in his criticism of other people.

To the subject of gymnastic training he does not return until the Seventh and Eighth Book.

And yet[13] [we] can't deny that Plato promises a treatment in the immediate sequel. The solution he suggests is, I think, untenable. There is no other clear solution except that the polis is the training of the body, and one must try to understand what that means. I can only give one indication. If the soul has to be understood ultimately in terms of its highest activity, and this highest activity is thinking, then we have to look at the polis in the light of this highest activity. And then we see two things: that while the polis needs somehow this thinking in order to be, it doesn't get it properly. There is a certain disproportion. So the polis is a strange thing. It is in one way open to thinking but it is also closed to thinking. If we look at it in its quality of being closed to thinking, it is the body, because the body is really as such closed to thinking. And there is a Platonic simile for something which is open and closed at the same time—in other words, which has a very small opening. It has an opening but a very small one.

Student: The cave.

LS: That is it. These things all hang together.

[xi] *The Laws of Plato*, ed. Edwin Bourdieu England, 2 vols. (Manchester: The University Press, 1921), vol. 1, 343. (Hereafter cited as *Laws of Plato* ed. Edwin Bourdieu England.) England provides notes and commentary on the dialogue. This edition of *The Laws* has been reprinted by Cambridge University Press (2013).

[xii] In the Loeb translation, the page number corresponds to 732e-733c.

Student: I don't understand that last remark.

LS: In the Seventh Book of the *Republic*, Plato compares the life which we mortals lead to a life in a cave. And it appears later on, when one goes through, that the cave is primarily society, the polis. The difficulty which we have here is this. Partly, [it is] simply the modern notion in which we have grown up. And for the modern notion there does not exist a problem of the relation between the polis and thinking, because in modern times men have tried to build up a society which is rational, a perfectly rational society. Of course no one says that any actual society is rational, but it is the goal or purpose. What rational society means is, of course, differently defined by different people, but that is the objective of all typically modern movements, a rational society, a society in which there is a perfect harmony of society and thought.

Student: You mean that the modern utopias are ultimately radical.

LS: It is not always a utopia. It is also embodied in institutions; it is not a mere dream. For example, if you understand what people mean when they discuss the First Amendment, the freedom of speech: that there is of course no problem of freedom of speech. Of course, if there is war or other emergencies, you must institute certain regulations, but fundamentally there is no problem. Now this was wholly different in ancient times. That is one thing. There is no simple harmony between thought and society. Because a rational society, meaning a society in which reason itself rules and permeates everything, was not accepted by them. The rule of philosophers you have in Plato, surely; that was the extreme formulation. But reason was only in the philosophers, not in the non-philosophers. It was a tiny minority. So the modern egalitarianism, you can say, is the difference. But there is another difficulty which, even if one has somehow made clear to oneself what the specifically modern opinions are, prevents us from understanding that. Because, as I said before, what is written so large in Plato is that [the] function of the polis is moral education, education of the soul—surely nothing which is primarily concerned with the body. Is this not clear? And therefore these harsh indications that the polis is primarily concerned not with the soul but with the body . . . . [xiii]

[end of tape]

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[1] Deleted "as a definition."
[2] Deleted "because."
[3] Deleted "then neither."
[4] Moved "one."
[5] Deleted "of."
[6] Deleted "by their pleasure."
[7] Deleted "namely, then."
[8] Deleted "true is both."
[9] Deleted "impossible."

[xiii] The transcript indicates here the end of the reel. The seminar may have gone on for several more minutes.

[10] Deleted “the.”
[11] Deleted “a.”
[12] Deleted “is.”
[13] Deleted “he.”

Session 6: February 3, 1959

Leo Strauss: [i] Let me begin from a general problem which I might have raised right at the beginning, and that is this—of which you are aware, as your paper shows—namely, that this book is not a mere story. Plato doesn't want to entertain us. But Plato sets forth what he regards as the truth. There is a certain irony here, as you observed, but fundamentally Plato is concerned with setting forth the truth. And this must be met. If we do not take the *Laws*, for example, seriously—meaning, if we don't take it as a statement by Plato of what he regards as the political truth—we will not understand anything. We will read Plato in a merely antiquarian spirit, and that means we approach him as anthropologists approach some savage tribe: you know, they have funny notions about all kinds of things and for some reason it is thought worthwhile to study it. That is not the way in which we can understand Plato. On reflection it doesn't prove to be very necessary to raise this question of the truth of Plato right at the beginning, because we can't help coming across it. And today we have been given an example. For example, I believe, Mr. ____, partly excused by what I said at the last meeting, spoke of the philosophy of history. Now that doesn't exist in Plato. It simply doesn't exist. It is untranslatable into Greek, this expression "the philosophy of history." History would mean the records of the past.

Student: I didn't say he had a philosophy of history but that he had a theme, a philosophical theme which was like a philosophy of history.

LS: Yes, but you didn't leave it at that. You said [that it is Plato's teaching that] in interpreting Plato, in trying to make clear the fundamental problem in Book 3, we cannot step outside of history.[1] Now in the first place, this doesn't fit into Plato's mouth because this word history as you use it doesn't exist. Secondly, if you take this terrible risk of imputing to Plato something like history, you would have to say Platonic philosophy is nothing but an assertion that we must step out of history if we want to understand anything. But two more simple examples for what I am trying to say are these. You spoke, as most of our contemporaries do, of the city-state. That doesn't exist; there is no city-state. There is a city. If you say the city-state you presuppose that you know what a state is. And they say state has various genera or species: one of them is the city-state, another the nation-state, and so on. Now that doesn't exist. And this implies something more. Do we know what a state is? You see, "state" is not such a notion as "true." For example, if you find the word *dendron* in Greek and then you translate it, and [you] must translate it by "tree" because you are as sure as one can be that if you had asked an old Greek what is *dendron* he would have pointed to that thing to which we also can point. Or, to take a still more simple example, the adjective "blue" occurs. What can you do to explain to someone what "blue" is? Point to it. The Greeks couldn't have done better, and they meant the same thing in spite of certain alleged difficulties here. So "state" is much

[i] Strauss responds to a student's paper, read at the beginning of the session. The reading was not recorded.

more problematic and much more difficult than "blue" or "tree," and therefore we must be particularly cautious.

And I take the last example: "unrealistic." What does that mean? That is a wholly improper term. I don't address this merely to you; others are also guilty of this, but we must think about it. What do we mean when we say "unrealistic"? If we would talk to an American two hundred years ago, he wouldn't have understood that. How would he have said it? And the same applies to the Greeks. How would he assert a statement is "unrealistic"? How would he have expressed himself? I believe I can answer that question: The statement is untrue. What does Plato or this old American miss by speaking of "untrue" instead of speaking of "unrealistic"? What is the difference? What do we mean[2] when we say "unrealistic," [more] than what we mean when saying "untrue"?

Student: What do we mean?

LS: Yes, we must mean something more, otherwise why should we be so glib as to say "unrealistic" instead of "untrue"?

Student: Well, we might mean that it has practical importance which is not concerned simply with its truth. That is, I might say that your solution of a particular problem, though it has analytic truth, does not help solve the problem and is therefore unrealistic.

LS: You are terribly sophisticated. Analytical truth. We are speaking of truth. For example, I say the snow is green. And that is untrue; we all admit that. And in another case I say this is a wonderful character, and you know him better and say he is really a gangster. I also said that which is not: the untrue. Now let us take another example. I say: This law is foolish, it should be replaced by a law of this kind. And then you do not say this is a foolish proposal, an unwise proposal, but you say it is an unrealistic proposal. What did you mean by "unrealistic proposal" which you did not mean by "unwise"? Or is it simply more polite to say "unrealistic"?

Student: It is practically the same as unwise, but it does not mean the same as untrue.

LS: All right, you say "unrealistic" is used only in application to practical matters, not in connection with theoretical matters.

Student: I didn't say "only." I say this is one area in which we do make a distinction.

LS: All right, I will grant you that for argument's sake. But what do we mean then by "unrealistic" which we do not mean by "unwise" or "foolish"?

Student: Well, again, a person may be unrealistic about a situation without being unwise. "Wise" refers not to the same sort of characteristic in a person. "Unrealistic" usually refers to a specific judgment; "unwise" may refer to this but it may be more an imputation again his character. That is one sort of distinction you can make.

LS: Is it not rather this: “unwise” is broader than “unrealistic”?

Student: That is what I am saying. “Unrealistic” applies in a specific judgment usually, in our normal parlance.

LS: But does it not refer to a specific form of unwisdom?

Student: “Unrealistic”?

LS: Yes. A specific form of unwisdom.

Student: You could put it that way.

LS: Say an unwisdom caused less by lack of experience and less by passion, in the common sense of the term, than by delusions about what men are capable of. Good. But still, if we have reached this point and if this is tolerably correct, then the question arises: Why would Plato not make this distinction? Why is it so terribly important for us to talk all the time about “unrealistic” and it wasn’t so important to people in the past? Why are we so much interested in that specific difference between the unrealistic folly and other forms of folly? Why our exaggerated concern with realism rather than with wisdom? I don’t say that we could answer this question so easily, but I only state that these are the kinds of questions which we can’t help raising when we read Plato, especially if we can check the translation against the original. But you of course made your additions to the translation, as you will be the first to admit.

Now I liked very much your distinction between the surface argument and the deeper issues. That is indeed necessary. I shall not go into this question here, only later on in my coherent discussion of this element of playfulness, of irony, of ambiguity which pervades the whole conversation and all Platonic dialogues. Never forget that. You made the interesting attempt to distinguish this, to characterize this by opposing it to Shakespeare’s playfulness. Well, that is a very, very long question. I believe you cannot leave it at the Shakespearean comedy, assuming that you interpreted the Shakespearean comedy correctly. You would have to take the irony in the Shakespearean tragedies as well, and that would lead to a very, very long question. I can only say that your interpretation of Plato’s jocularity or irony is vitiated, I believe, by your premise that we cannot step outside of history, which you wrongly impute to Plato. But let me come now somewhat closer to my discussion.

You said, rightly, that one must begin with the surface argument. But I would say we have to be still more primitive, and we have to begin not only with the surface argument but with the surface altogether, of which the surface argument surely forms a part. And that you began with the surface argument is of course due to the fact that you have remained, in a way, the dupe of Plato. I told you at the beginning that when we read such a book, what we watch first—and that is really the cleverness of such writing—what we perceive first is what the people say. That is the surface argument. But what we observe much less, although it is equally accessible, is what they do not say and which is also

obvious. Now what do I mean by that? A very simple thing which we mentioned last time. Megillus plays a very great role in the Third Book. Roughly half of the Third Book is a conversation with Megillus, who, as you remember, didn't play any role to speak of in the first two Books. That is not [inaudible], but it is something that he does not speak at all.

Student: He doesn't speak in the Second Book at all; in the third he has two long conversations.

LS: Roughly half of the Third Book. I have not given it an exact statistical study, but roughly half of the Third Book is a conversation of the Athenian and the Spartan and the other half a conversation between the Athenian and the Cretan. And that is very strange compared with what we have been accustomed to in Books 1 and 2, where Megillus was sitting there, disgruntled perhaps or gruntled maybe, but certainly not [inaudible]. I am not responsible for this joke; that stems from Woodhouse. Now Megillus comes to the fore. What does this mean? That would be my first question, on a perfectly surface and superficial understanding. I think we can solve this question only by raising the question, is there not a connection between Megillus' speaking and the subject matter of the Third Book?

Student: There is some.

LS: All right, but what would you say? What is the subject matter of the Third Book?

Student: In a word?

LS: If you can.

Student: Society. In a word.

LS: I agree with you but—

Student: Well, you could substitute law.

LS: But that suffers from a terrible generality, and Book 2 also dealt with law. That is not the point.

Student: Well, I think Megillus' role is fairly clear. He is in the conversation when Sparta is being talked about.

LS: That is surely true. That is true.[3] Sparta is explicitly discussed in the second half of the Third Book, whereas in the former, you remember, that was doubtful whether it was Sparta or Crete. That is very true. But still I meant something more specific. Now if you turn to the beginning of the Third Book, what does he say is now the subject?

Student: Well, there are four different translations I was able to look at. "The commencement of civil government; "the origin of political community or society," etc., etc.

LS: Yes, let us say beginning or origin, whatever you want; *archē* is the Greek word. The beginnings, the beginning of political life, which is of course also the beginning of laws. Because without law, no civil society, and vice versa. So the Third Book deals, then—and that is sufficient and by no means wrong for the Third Book as a whole—with the origins or beginnings of laws. The first two Books dealt with the ends of laws. You know, that this sounds so merely temporary—beginning and end—is not accidental. But still, the word end acquired the meaning of the word purpose already by that time. The purpose and the form of laws, we may say, had been discussed and in a way answered in Book 1 to 2. Now we raise the question of the origin or beginning. Why is this question important? Could one not say the only thing we have to know is what the purpose of law is, and what the essential character of law is? And what the origins is, [is] of no interest? That has been said frequently in modern times. Why is it nevertheless important—the question of the origins?

Student: Well, I said, as you think falsely, that it is necessary to the philosophy of history which is developed in the book.

LS: Begging of the question.

Student: And this has a purpose, I think.

LS: All right, then let us forget about history. And what is that?

Student: This is to show how the need for law arose with a particular society and the conflicts that arose in that society.

LS: But why should any particular society concern us? Unless it is the society in which we live, and then of course it would concern us. But why should the beginning of Sparta interest us?

Student: Well, the main reason that I see is that what we are trying to discover is what is the function of law in society. And this is one way of approaching this problem: to see historically how the need for law arose. And the first instance of the positive enactment of law is in the third stage.

LS: But still, is it not sufficient for me to know what constitutes the goodness of law and what is the essential character of law? What do I care about how primitive men or almost primitive men elaborated laws for the first time? Why should I care about that? You see, when you say history, you make already a terrific presupposition which is highly questionable, namely (a) that there is such a thing as history, and (b) that it is important. We don't know. Plato denies it.

Student: Let's not use the word history, then. Let us say as human communities form themselves and grow. How is this?

LS: But why should that be important?

Student: Why should this be important? Because the need for law arises with this increase, and this runs all the way through—

LS: But do I not see the need for law immediately, without going back to the origins? I simply see sometimes that no legal provision has been made for something, and then a law is introduced, and this has certain consequences. I see from this contemporary case what law means: to prevent that conflict leads to shooting, willful killing, and any other form of mutual enmity. I don't think that. I think it is even deeper than that.

Student: Well, I don't know exactly what sort of context you have in mind, but I said later in the paper that what arises from this is that law has certain sorts of functions and these are described in the context of these societies.

LS: Surely, law has a function.

Student: Certain sorts of functions: educational function, disciplinary function . . . .

LS: All right, virtue, in one word. We have been told in the Second Book. Why do we need this? But let us not speculate and let us see what Plato says. I suggest that we remember for one moment the very first statement in the dialogue. What was that?

Student: In this dialogue?

LS: In the whole dialogue.

Student: Well, the first one in my translation is: Thus—

LS: Give us the first sentence of the First Book. I made it very clear that the first word of the dialogue is the word *god* in Greek. We could bring it out in English. "A god or a human being, who was the originator of your laws?" So in other words, these laws or codes with which we are concerned claim to be based on divine legislation—in other words, on a certain view of the origin of law. We are confronted from the very beginning of the dialogue with a certain view of the origin of laws and we must meet that. This view is tacitly rejected. These are not divine laws. The Athenian Stranger has another view which he regards as the true view. This true view seems to imply also a different view of the origin. Why that? Well, it is really of great importance. Are laws, and especially the best laws, a divine gift as the Dorians claim, or are they a human acquisition? This is the question as stated. Are laws of divine origin or of human origin? That is of some importance. It is not sufficient to know that laws are best if they are conducive to these and these ends; it is also important to know the significance of man in the making of laws. That is the issue. When you speak of society, law and society (we spoke of that

before)—but that means men: society is a multitude of men, not gods. Now you can say: Well, we all know that these laws are not made by gods. That is not so simple. There is a great problem in that. Now what is the difference? Let us look at the human legislator. If the best laws are a divine gift, what is the "attitude" of the human legislator?[4] And what is the "attitude" of the legislator when the laws [are] a human acquisition?

Student: The responsibility of the legislator differs. In the one case, he is a mere interpreter, and he is not responsible for the errors. In the other case, he is responsible for the errors.

LS: Good. That is perfectly true, and that is what I mean. I only would have expressed it as follows. In the first case, the human legislator in the act of legislation is obedient. Not only are the people subject to the laws, obedient to the laws or ought to be, but he himself is obedient in the act of legislation. In the other case, the human legislator is not obedient. He inquires, he strives, whatever you call it. That is an important difference. In other words, the whole notion of what human virtue is is affected by this question. Therefore it is by no means extrinsic but essential to the question of law, since law has to do with virtue. Another point: if laws, the best laws, are a divine gift, then the origins are perfect, and the consequence is [that] human initiative, as distinguished from the divine gift, is the cause of evil. Human initiative is deviation, and that means, if it is thought through, [that] the responsibility for evil is strictly human. This argument is developed, by the way, in allusions in the Second Book of the *Republic*, to which one must always refer, because the *Republic*, the Second Book of the *Republic*, is the only parallel to the Third Book of the *Laws*, the only other discussion by Plato of the origins. But there it is entirely different, as you may remember. They found a city in speech; they do not look at how cities have come into being in deed. That is what we mean by history. That is the Greek expression for what we call history. Cities have come into being in deed.

Student: One qualification of that is that up till the Dorian Confederacy it is not so much in deed but rather it is hypothetical.

LS: Yes, we come to that later, if you don't mind. I try first to state the problem in general. Surely, how far we can know of the origins, that is a very important question, but a secondary question. We are now concerned only with the question in general. Are the origins of law divine or human? Now, if they are divine, the origins are perfect. If they are human, the origins are imperfect, for the following necessary reasons. Men have to exist before there are laws, if the laws are man-made. Then men existed prior to law and, assuming that the laws are the condition of all human goodness, men prior to the first legislation were very bad, very imperfect. One cannot help thinking of the Bible in reading these things because, while Plato didn't know the Bible and while the biblical authors did not know Plato, both authors or set of authors were profound thinkers and therefore they could not help thinking of the same problems. The biblical solution is diametrically opposed to the Platonic solution. [That] all evil has its root in man, which is clearly expressed in the Christian doctrine of the Fall, is the necessary consequence of the biblical teaching. The alternative is [the] human origins of the laws, the origins are imperfect. And there is then this alternative. If the origins are imperfect, original men

may have been merely innocent or they may have been savage and bestial. These are the alternatives. Now we must see what we find in this dialogue.

Now the origins in this means the remote past, because we know that civilization has not begun today or yesterday. The remote past. Which is the oldest of these two legislations with which we are concerned, confronted in this dialogue?

Student: Which is the oldest of which?

LS: Of the two codes with which we are confronted in this dialogue.

Student: The god-given.

LS: No, which of them? There are two god-given codes.

Student: In this dialogue?

LS: You see, *tychē* (chance) is very good and supplied Plato not with one divine code but with two. This bifurcation has great advantages. Now whether that is mere change, or whether it is not nature in a way effective in the duality or multiplicity, that is another matter. Now which is the oldest of the divine codes mentioned here?

Student: The Cretan.

LS: Cretan, and that means Minos's legislation.

Student: Mentioned in the Third Book, you say?

LS: In the dialogue as a whole. I mean it is from time to time good to really stick to this line but we must also take up this line . . . .

Student: All right, I just wasn't with you.

LS: That is all right. You see, that is my revenge for your "glibness."

Student: There is one question I have which refers to something you just said a moment ago. You said that men existed prior to the law?

LS: Yes.

Student: And this is stated in this Book? This is stated in the whole dialogue?

LS: I would suggest simple logic. If the laws are man-made, man must precede the laws. Just as we say fables are man-made, there must first be men before there can be fables.

Student: This is a simple matter of logic, but I don't think it is made clear in this Book which it was. Because on my reading, the original laws were "ancestral and spoken," and it is not really clear whether these were laws left over and that the survivors had after the deluge.

LS: I remember that, but I can only say this. There is a certain part of the argument when the Athenian Stranger says: Now we have reached the beginning of legislation. And that is a fairly advanced stage. Prior to that,[5] [there] were not laws strictly speaking.

Student: Strictly speaking? But there were laws.

LS: Yes, but not strictly speaking.

Student: Not written laws?

LS: No. Not given laws. The other things were what you could call tentatively, using the modern language, laws which grew. But not laws which were made.

Student: Well, again there is a slight ambiguity in the book, because it implies that they were.

LS: Let us try to discuss it later. I spoke of legislation, of laws made. Laws which are made by men or imposed by men. That is elementary.

Student: If that is the way you are using it, okay.

LS: Now to come back to our immediate question. The origins have to be sought in the remote past. And the Cretan laws are much older than the Spartan laws. The Cretan laws are, in one word (and I am not going beyond the covers of this book)[6] preHomeric, because Homer speaks of Minos. You remember the *Minos*, at any rate, but even Homer was mentioned in it. What about the Spartan laws, the laws given by Lycurgus? They are post-Homeric, so they are much later. But the Spartan, who admits the Spartan laws rather than the Cretan laws, says therefore by implication [that] the preHomeric is imperfect. Naturally; otherwise the Spartan laws couldn't be superior to the Cretan laws. So Megillus is compelled by the fact that he is a Spartan to assert the imperfection of the beginnings. Therefore, I would say that is the most fundamental reason why Megillus is so terribly important now, and I will now try to prove it. But you have a problem?

Student: Would you explain your statement that perfect law cannot be made by imperfect men?

LS: That I didn't say, although it was probably implied in what I said. I was concerned with only one point: that if the law is divine, it is at least possible that it exists at the beginning and that men are subject to it from the very beginning, and therefore that the origins can be perfect.

Student: It is merely possible?

LS: Possible, sure. That needs another argument, but we have to go into a long discussion [on] why it is a kind of necessity as shown by the biblical assertion about the perfection of man, i.e., Adam at the beginning. Because there were similar notions also in the Greek world, to some extent at any rate. The age of Cronos (you know, that is very old, long before the age of Zeus) was regarded as perfect in some form of myth to which we will find allusions later. But if the law is of human origin, then man precedes law. And if law is a condition of human perfection, man prior to law, original man, was necessarily imperfect. And then the question arises: Was he only innocent, stupid, or was he vicious and bestial and savage? We come to that later.

Student: If you are going to discuss Megillus' first speech again, you needn't answer this here, but if you are not, perhaps due to the translation or something, the speech confuses me.

LS: Which do you mean?

Student: His first speech, 680c.

LS: We come to that. That is a crucial text. We come to that.

Now let us then first begin at the beginning. Near the beginning we are concerned with the origin or beginning of political life. And that means the beginning in time. And then we have to consider what Plato calls here (676a8) the endlessness of time or the infinity of time. It goes on and on and on. We never find an end. Now that means there is no beginning to human life on earth. There were always men. But there was not always what we call civilization. And how does this happen? Answer: there were, are cataclysms. Cataclysms means floods. But cataclysm can be used in a wider sense, where it means any catastrophe wiping out the human race, except some relics who save themselves on high mountains. That is the Platonic as well as the Aristotelian view of what happened. If you call this a philosophy of history, you may do that. But the point is that here the history, what you call history, is what happens between one cataclysm and the other. So there are *n* histories. *N* is infinite. Infinite histories for him. Cycles.

Student: Cycles, right.

LS: Yes, but infinitely so.

Student: Well, I don't think this is excluded by the way I was using it.

LS: No, no. But still the trouble with the word history is that it conceals the problem, and therefore I think it is wiser not to use it.

Student: Well, that is why I used three other terms with it.

LS: I know that you are very articulate, not to say glib. Good. So what happens in every such catastrophe? Every art, including of course the art of legislation, is destroyed. All political life and laws are destroyed. He speaks then in this connection of the very long duration of the period preceding legislation, meaning, you have a cataclysm, something like the biblical flood, you can say; and then this, what you would call prehistory, lasts very long. Civilization, law, political life, is very new. And this is emphasized in 677d. And it has a very great function. Namely, if civilization is very new, then the admiration for the old, which is so common even today but more in the past, is really absurd. Because what we admire is something very recent, say a thousand years old. But the pre-historic lasted, say, for eight or ten thousand years. And there is some reflection in this respect on the special folly of the Cretans, which we can omit.

Now let us turn to the end of 678c, the long speech of the Athenian, and let us read that. That is the first statement about early men. That is on page 172, bottom (Loeb edition).

Student: Before you go on, when you say civilization what, briefly, do you mean?)

LS: That is a perfectly good question. But I was prepared for that. What does civilization mean originally? Where does it come from?

Student: From state, or a city.

LS: *Civilia*. That means belonging to a citizen, or derivative from a citizen. The process of civilization is the process by virtue of which a man becomes a citizen, and becomes ever a better citizen, if there is such a thing as progress—*Civilis*. You know how they called the civilized nations in the eighteenth century, at least the French; I don't know whether this was so in England: les[7] [gens] policés,[ii] the people who are policed, who have a good police force among other things, meaning they have some compulsory arrangement for order. The Greek word for that would be which means the tribes which have been brought into a condition of civil, political life. So the word civilization is much more legitimate to use in speaking of Plato than, say, the word culture, to say nothing of history.

Student: Then one would say [inaudible].

LS: Yes, sure. But since the tribes and the earlier forms of living together have certain important features in common with this city, human beings living together and subject to government [and] also to something like law, you can enlarge it properly. Surely, the city. Truly civilized life is urban life. That was evident to them. Whether on good grounds or bad we must see later. Now let us read this passage at the end of 678.

Reader: [Ath.:] In the first place, owing to their desolate state, they were kindly disposed and friendly towards one another; and secondly, they had no need to quarrel about food. For they had no lack of flocks and herds (except perhaps some of them at the outset), and

[ii] We can't be sure whether this was the phrase that Strauss used.

in that age these were what men mostly lived on: thus they were well supplied with milk and meat, and they procured further supplies of food, both excellent and plentiful, by hunting. They were also well furnished with clothing and coverlets and houses, and with vessels for cooking and other kinds; for no iron is required for the arts of moulding and weaving, which two arts God gave to men to furnish them with all these necessaries, in order that the human race might have means of sprouting and increase whenever it should fall into such a state of distress. (678e-679b)

LS: Incidentally, I would translate god here as *a* god, because that is not *ho theos* in Greek but *theos*, meaning one. And I would write it with a small "g." One could think of one specific god, perhaps of Athena, or perhaps of some others.

Reader:

> [Ath.:] Consequently, they were not excessively poor, nor were they constrained by stress of poverty to quarrel one with another; and, on the other hand, since they were without gold and silver, they could never have become rich. Now a community which has no communion with either poverty or wealth is generally the one in which the noblest characters will be formed; for in it there is no place for the growth of insolence and injustice, of rivalries and jealousies. So these men were good, both for these reasons and because of their simple-mindedness, as it is called; for, being simple-minded, when they heard things called bad or good, they took what was said for the gospel-truth and believed it. (679b-c)

LS: "Gospel truth," of course, can hardly be Plato's. "But when they heard certain things being called noble and base, they believed, since they were simple-minded, that these things were said most truthfully and obeyed them."

Reader: [Ath.:] "For none of them had the shrewdness of the modern man to suspect a falsehood—"

LS: "Modern man" is not here. "For no one understood to suspect a lie out of wisdom." No one had possessed the wisdom to suspect a lie as people now.

Reader: [Ath.:] "but they accepted as true the statements made about gods and men, and ordered their lives by them. Thus they were entirely of the character we have just described." (679c)

LS: Clinias fully agrees with that. So in a word, early men were good, we are told here. Now we shall see later that this is not the true opinion, but why does he state for the time being that men were good? You see, he has now met an issue, the issue indicated by the term age of Cronos. You could also say the Garden of Eden. Original perfection. And therefore it is brought up here in order to be contradicted later explicitly. Here it is contradicted only in one way. Why is this goodness not so good?

Student: It doesn't go far enough.

LS: Simple-minded. In other words, that is not true human perfection. There is also this great difficulty, you must not forget: if they were good at the beginning, i.e., prior to possessing any laws, why is there any need for laws? Laws can be an instrument of human perfection only if men are bad at the beginning. Otherwise, they could be a remedy for sin, of course, but they could not be an instrument of perfection strictly speaking.

Now at the end of the next paragraph, or the end of the next speech of the Athenian, can you read that—the last two or three lines (page 177, top).

Reader: [Ath.:] "and that they were also more simple and brave and temperate, and in all ways more righteous? And the cause of this state of things we have already explained." (679e)

LS: You see, that is very interesting. He ascribes to them four qualities, and these are the four virtues.

Student: One of them is the opposite.

LS: Yes, sure. Very good. And the most important one, wisdom, is not in. Wisdom is replaced by simple-mindedness. But the others are in. In addition, he uses the comparative. He says "more just." He does not say that they were simply just. So their goodness is questioned from the beginning. Then he speaks of their living together—because Plato doesn't believe in a state of nature where isolated individuals, you know, just met for the purpose of mating and then they separated and so on. That doesn't exist. Man is always in this sense a social being. That [means] he is a mating being and therefore takes care of the children, but even larger than that, a larger association. Therefore they had a kind of social organization, a kind of social order, a kind of polity. And there polity is described as *dynasteia*, lordship, some lordship, as Homer described it. Where did Homer describe it (680b)? In his account of the Cyclops. What does this mean? What do you remember of the Cyclops? Was he a good man? Was he simple-minded? Was he just?

Student: There are various accounts, but one of them is that he was a cannibal.

LS: Homer. The only man we have read yet. A cannibal, sure. And you will find later on, those of you who would take the trouble and look up 782b-c, we find an allusion to this cannibalism. All right. Here is where Megillus enters. Let us read that speech of Megillus in 680c-d.

Reader: "But we Spartans do—"

LS: Because Clinias doesn't know Homer really. You know, we are the most old-fashioned. But the Spartans know Homer.

Reader: [Meg.:] "and we regard Homer as the best of them; all the same, the mode of life he describes is always Ionian rather than Laconian." (680c)

LS: In other words, softer than the black soup civilization.

Reader: [Meg.:] "And now he appears to be confirming your statement admirably, when in his legendary account he ascribes the primitive habits of the Cyclopes to their savagery." (680c)

LS: In other words, Megillus is clever enough to see this first polity was characterized by savagery. He does not speak here of cannibalism, but that is implied. So that settles it. Early men were savages and not merely nice innocent people. The first regime of which he speaks, which he calls lordship to being with, is more specifically described in the sequel as patriarchal rule. And it is even said here (680e) it is the justest kingship of all—this ruling of the oldest man, say, the father, grandfather and great-grandfather of the clan. That is the justest kingship of all, which implies something very important: that all later kingship is less just than that primitive kingship. And that has very great implications when we come later on to kingship.

Then there takes place the foundation of the polis, the city. And this we can perhaps read in 681a7, the last speech of the Athenian in 681a (page 181).

Reader:

> [Ath.:] That, while these larger settlements were growing out of the original small ones, each of the small settlements continued to retain, clan by clan, both the rule of the eldest and also some customs derived from its isolated condition and peculiar to itself. As those who begot and reared them were different, so these customs of theirs, relating to the gods and to themselves, differed, being more orderly where their forefathers had been more orderly— (681a-b)

LS: You see, that is very interesting. You found brave fellows at the beginning; you did not find really orderly people. Now orderly has in Greek a much broader meaning than it would have in English. It is derived from cosmos, so one could say "properly adorned." One could even translate it as that. Well, the gentle quality. There were not really gentle people there, but tolerably gentle, or more gentle than others at that time, which doesn't mean much. Bravery you found there; bravery can exist in this early condition. But gentleness, not yet.

Reader:

> [Ath.:] and as thus the fathers of each clan in due course stamped upon their children and children's children their own cast of mind, these people came (as we say) into the larger community furnished each with their own peculiar laws.
> [Kl.:] Of course.
> [Ath.:] And no doubt each clan was well pleased with its own laws, and less will with those of its neighbours. (681b-c)

LS: So in other words, a certain group, say, a hundred people, lived in isolation here, and they had certain ways of doing things which were peculiar to them. And then others, on other mountain tops, had different customs. That was the situation. You can call these customs, loosely, laws. But not strictly. Now let us go on.

Reader: [Ath.:] "Unwittingly, as it seems, we have now set foot, as it were, on the starting-point of legislation." (681c)

LS: In other words, here is the beginning of legislation. After this union of these isolated clans takes place, Plato suggests, in opposition to the romantic view which is too powerful in modern times [. . .] could say laws which have merely grown are inferior to laws which are made. These are grown-customs, customs which have just grown without any thought. Legislation presupposes thought. Therefore, made laws have a higher status than grown laws. In this sense, Plato belongs to the eighteenth century as distinguished from the romanticists. In this respect, not in every respect. Now let us go on.

Reader:

> [Kl.:] We have indeed.
> [Ath.:] The next step necessary is that these people should come together and choose out some members of each clan who, after a survey of the legal usages of all the clans, shall notify publicly to the tribal leaders and chiefs (who may be termed their "kings") which of those usages please them best, and shall recommend their adoption. These men will themselves be named "legislators," and when they have established the chiefs as "magistrates," and have framed an aristocracy, or possibly een a monarchy from the existing plurality of "headships," they will live under the constitution thus transformed. (681c-d)

LS: Now here is stated the condition of legislation. The condition of legislation is choice, i.e., consideration of alternatives and deliberate choosing of what people think [is] best. That is the beginning of legislation, and in this statement the second stage. And that would mean an aristocracy, but that is not terribly important. They could very well have a sort of king, a magistrate who has particularly great power. Still, he would be subject to the laws; he is no longer this patriarch who rules entirely by his own power and in his own right. Then the third stage is the city in the plains. It is also strange that this is biblical usage. But here we are. They descend from the mountain and go into the plain (682a), and again Homer witnesses to that—the foundation of [inaudible]. And we can perhaps read that immediately after the quotation from Homer at the beginning of 682.

Reader: [Ath.:] "Indeed these verses of his, as well as those he utters concerning the Cyclopes, are in a kind of unison with the voices of both God and nature."

LS: I would translate "are said in accordance to a god in some manner and in accordance with nature."

Reader: [Ath.:] "For being divinely inspired in its chanting, the poetic tribe, with the aid of Graces and Muses, often grasps the truth of history." (682a)

LS: Of history? What does he say of those things which happened in truth, of those things which take place in truth? Everything the poets say is according to a god; they are divinely inspired. Certain things they say are according to nature, and we have to distinguish that if we try to understand the poets.

Now where do we go from here? Of course, then we see the city of the plain, Troy, and then by a natural association of ideas we come to the Trojan War and to Sparta. After all, it was Agamemnon and Menelaus, who came from the Peloponnesus, who were the Greek leaders in that war. You see [that] also in 682e10 (page 187), at the beginning of the speech of the Athenian.

Reader: [Ath.:] "And now—as it were by divine direction—we have returned once more to the very point in our discourse on laws where we made our digression—" (682e)

LS: That is all we need, namely, what was the beginning of that discussion, of the whole conversation?

Student: What is the origin of your laws?

LS: The origin of the Spartan as well as of the Cretan laws. They have returned to that point now, in a very roundabout way. And he says "as it were according to a god." Why does he say "as it were," and not "according to a god"?

Student: Because maybe he planned it.

LS: He planned it that way, and this leads to a very interesting question, which is also a kind of rejoinder to what you said. Perhaps the poets, who seem to speak only on the basis of inspiration, without knowing why, speak also with an intention. But this I mention only in passing. It could apply to Shakespeare, too.

We have then altogether four cities, four societies. The first, the second, the third, and the fourth. The fourth is of course Sparta or Crete. In this connection (683b-c) he makes a remark on the situation. It is the longest day of the year. What does it mean, the day of the summer solstice? That must have some significance. What are the characteristics of that day?

Student: Heat?

LS: Heat, surely. And what is the consequence of the heat? Well, what do you do if it is very hot?

Student: Rest in the shade.

LS: Seek shade. We know that. But what is the difficulty?

Student: The other thing is the change from summer to winter, so you might say it is a change from the warmth to the cold, or possibly from the light to the dark—again, depending on how you want to interpret it.

LS: Still, one could also say the real heat begins only then.

Student: You could.

LS: And something more obvious, I believe.

Student: You get thirsty.

LS: Yes, they get thirsty, and they got some vicarious drink. We have seen that. But something much more simple. It is a terribly long day, but it is one day only. And what Plato implies here is this: it is possible to elaborate a complete code in a single day. One day is sufficient for complete legislation if done by the proper people. Here in this neighborhood (683e3 to 7) there is an oath by the Athenian which is not brought out in the translation. If I am not mistaken, that is the first oath which occurs in the dialogue. But I must confess I didn't watch very carefully. There are very few oaths in it. That is very strange. The connection is quite clear. The thesis which is stated here, can you read that? That is a famous Platonic thesis (683e, the speech of the Athenian):

Reader:

> [Ath.:] Is the dissolution of a kingdom, or that of any government that has yet been dissolved, caused by any other agency than that of the rulers themselves? Or though we made this assertion a moment ago when we happened upon this subject, have we now forgotten it?
> [Kl.:] How could we possibly have forgotten? (683e)

LS: In other words, this principle—every regime is destroyed only intrinsically, and never by external causes—is of course an overstatement. But it is made deliberately. It is the strict equivalent on the political frame to the statement about the self-sufficiency of virtue which we have seen in the First Book, and which we can say is the fundamental myth of the whole book: that the divine goods, the virtues, are the necessary *and* sufficient condition of the human goods, of the external goods. If this is expressed politically, it means that virtuous rulers can never lose their rulership. That there is some element of truth in the remark that all these great revolutions we have seen, e.g., the French Revolution, without some decay of the ruling class and some disunity in the ruling class, would not have happened as they happened. There are many more examples of this, and there is surely a great truth in it. But the unqualified statement is mythical, and is the strict political replica of the fundamental myth of the book, i.e., that virtue is simply self-sufficient.

In the sequel he speaks for the first time of the problem of consent (684c, the speech of the Athenian):

Reader: [Ath.:] "And surely most people insist on this,—that the lawgivers shall enact laws of such a kind tht the masses of the people accept them willingly; just as one might insist that trainers or doctors should make their treatments or cures of men's bodies pleasurable." (684c)

LS: That is an indication of the problem: as absurd as it would be to prescribe [to] that gymnastic teacher that he should make only pleasant training, [equally absurd is][8] the principle of consent taken by itself. The great problem for Plato as well as for Aristotle is the understanding of consent as a political principle. Much more evident to them was the principle of wisdom. That the wise should rule seemed self-evident, but that the consent of the ruled and of [the] unwise ruled should be necessary needs a much more complicated argument. That is much more hard to understand than the need for wisdom, and we will come to that later on. Incidentally, this shows how old and how trivial the principle of consent is in itself. That was always understood—that there should be consent of the governed. That is easy to understand. That is not a novelty in any way. The justifications of that may be new, but not the principle itself.

Now I remind you briefly of the context. . .[iii]. . . say, to see this already in Herodotus, the situation in Sparta.

Student: What happened there actually?

LS: Yes?

Different student: Well, Sparta actually jumped on Argus, for one thing. And that was one of the reasons it didn't bother to come to the help of Athens.

LS: Yes, that is even mentioned here. But the more interesting case—he doesn't say a word about Mycenae.

Student: Well, this is again a case of Sparta's aggressiveness.

LS: Surely, Mycenae was subjected by the Spartans; they became Helots, subject races. So in other words, of this great fault of Sparta, this complete lack of fraternity shown by Sparta, not a word is said. Out of politeness. You see, you would not talk—well, let us take a present-day example: if people want to negotiate with Khrushchev, they wouldn't talk much about Hungary, I believe.[iv] But instead of this Mycenaean unsavory business, another question is raised: Is the sheer magnitude and power of the original Dorian establishment, which could have licked the world, really admirable? In other words, he

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avoids the issue of Mycenae, after having alluded to it. In other words,[9] perhaps the destruction of this original set-up [is] a boon for the rest of Hellas. That could very well be. A very powerful confederacy could have been undesirable; so that a very unjust act of Sparta, the destruction of this fraternity, could have redounded accidentally to the benefit of the rest of Hellas. This happens, that sometimes unjust deeds have a good consequence, not necessarily for the doer but for other people. This is one of those—this is where chance comes in—that sometimes good things are brought about by chance. And this is a very important consideration for Plato.

What then do we justly admire: mere power and magnitude, grandeur and so on? (687a, the first speech of the Athenian, page 201)

Reader:

> [Ath.:] Just consider what one ought to have in view in every instance, in order to justify the bestowal of such praise. And first, with regard to the matter now under discussion,—if the men who were then marshalling the army knew how to organize it properly, how would they have achieved success? Must it not have been by consolidating it firmly and by maintaining it perpetually, so that they should be both free themselves and masters over all others whom they chose, and so that both they and their children should do in general just what they pleased throughout the world of Greeks and barbarians alike? Are not these the reasons why they would be praised?
> [Meg.:] Certainly.

LS: In other words, what is bliss? To do what one lists? If that is so, if that is bliss, should one pray for such power that one can do what one lists? The answer is no. In the speech of Megillus (end of 687)—

Reader:

> [Meg.:] I grasp your meaning. You mean, as I suppose, that what a man ought to pray and press for is not that everything should follow his own desire, while his desire in no way follows his own reason; but it is the winning of wisdom that everyone of us, States and individuals alike, ought to pray for and strive after. (687e)

LS: So in other words, this thing which is bliss, it would seem, is wisdom—or reason, as he calls it here. But that of course is not quite sufficient, because we see in the next long speech of the Athenian (688b) that practical wisdom and understanding and opinion, together with eros and desire, follow reason. So not only reason but the whole man, his desire is obedient to reason. That is moral virtue. This is what we should have to regard as bliss. Now this applies of course not only to the individual but to the society as well. The overriding consideration for a polity is then wisdom, with proper subordination of the unwise to the wise, i.e., not consent. Here that is developed at the end of 688e. It is made clear in the sequel what that means. The rule of wisdom does not mean, for example [. . .] or, the exclusion of non-wisdom must not be understood in a foolish social sense. So that, for example, artisans, because they are artisans and not gentlemen, are for

this rule excluded from political power. The point is truly wisdom or understanding and not any merely social consideration. The consequence is stated in 689c-e (the last speech of the Athenian in 689, page 211).

Reader:

> [Ath.:] Let us be thus resolved[v] and declared, that no control shall be entrusted to citizens thus ignorant, but that they shall be held in reproach for their ignorance, even though they be expert calculators, and trained in all accomplishments and in everything that fosters agility of soul, while those whose mental condition is the reverse of this shall be entitled "wise," even if—as the saying goes—"they spell not neither do they swim"— (689c-d)

LS: "Although they know neither letters nor swimming," which means two arts which are extremely simple to acquire. To pass literacy tests and swimming tests is not necessary; they may not even pass these and still be wise men.

Reader:

> [Ath.:] and to these latter, as to men of sense, the government shall be entrusted. For without harmony, my friends, how could even the smallest fraction of wisdom exist? It is impossible. But the greatest and best of harmonies would most properly be accounted the greatest wisdom; and therein he who lives rationally has a share, whereas he who is devoid thereof will always prove to be a home-wrecker and anything rather than a saviour of the state, because of his ignorance of these matters. (689d-e)

LS: So in other words, the principle is perfectly clear: rule of men of practical wisdom in the Aristotelian sense of the term. That can be the only safe solution to the political problem. But then a tremendous difficulty arises. How would you state that difficulty without knowing anything of Plato?

Student: The difficulty we are left with by this?

LS: Yes.

Student: We still don't know that wisdom consists of.

LS: Well, a man of practical wisdom we know. We know that enough for practical purposes.

Student: What is the difficulty you had in mind?

LS: Well, we had heard of another principle before which was tacitly excluded by all these things. I mean it sounds so innocent to say rule of wisdom. It excludes by itself the

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[v] In the Loeb: "Then let it be thus resolved"

other great element of political life, apart from wisdom—say number, but more precisely I think, consent. What did you want to say?

Student: I was just going to suggest that the question which remains is, in what type of state did wisdom rule?

LS: That was left open. There could be one, there could be few, there could be quite a few. You had a question?

Student: I thought the other element you were looking for was educated men with practical wisdom. A pirate may very well have practical wisdom.

LS: Yes, but if he is not educated for practical wisdom, he does not possess it. I mean no one possesses it—

Student: That is, these men of practical wisdom have to be made good by education.

LS: That is an important point. The music education is here completely disregarded. That is an important point. And how would you explain that? It is not sufficient to say he had talked about it before. When he says they don't know letters, they are also likely to know nothing of music tones, and all the other things. How do we explain that?

Student: You mean in this context here?

LS: Yes, why does he completely disregard musical education here? Well, if I may use an expression of Mr. ____, he is realistic, which means he states the minimum requirements for the time being, and that means of course that he has to reintroduce the higher requirements on a proper occasion. But now he is concerned only with the bare bones, what is indispensable, and that is practical wisdom. Now the difficulty is stated in 690 in a very powerful way. That is one of the most important passages in Plato's writings. He enumerates there seven titles to rule—and, as you wisely observed, law is not one of them. In other words, there are seven prelegal or supralegal claims to rule. For example, what is the first statement? Father and mother over their children, and then, of course, the grandparents over all the rest of them. The nobles over the ignobles. The older over the younger. The masters over the slaves—this is the central one of the seven, and that means always it is of special importance. Something of this harshest form of rule, the most terrible, masters over slaves, is somehow important. Not that you necessarily need slavery. Plato accepts slavery in this book, as we shall see later. That is not the decisive point, but this: political society has two elements, a gentle and rational element, wisdom; and then there is a brutal element, and this brutal element is indicated by the most brutal form of rule, masters over slaves. The fifth is the stronger over the weaker. But this is of particular importance, because it is characteristic not only of man but of brutes as well, as the Theban Pindar, neither an Athenian nor a Spartan, has said. But then comes the greatest, the greatest in rank, the sixth. And that is the rule of the wise, or knowing men, over the ignorant. And, correcting Pindar, Plato says this is as least as natural as the rule of the stronger. And then we come at the end to one which has to do with the gods and

with chance, and that is the lot. The man elected by lot, that he should rule those who were so unlucky as not to be elected, also has some place in political society.

We can state the problem as indicated here. Wisdom is the primary and highest title. But wisdom is insufficient. Wisdom must be diluted by "power." Now power and consent are very closely akin, although consent is much more polite than power. What is the link between power and consent? I believe you made the remark already. What is the link between consent and power?

Student: [Inaudible]

LS: Practical force. Say, five hundred men are physically superior, however unwise, to one or two or three wise men. This connection between consent and mere power played an important role, by the way, in democratic theory in the earlier period. You find this, for example, in Spinoza. And also in Plato this is mentioned, [e.g., in] the argument of Socrates against Callicles. Callicles['s principle is the] undemocratic rule of the strong.[10] But then, Socrates says, if you admit the rule of the stronger, then you arrive at democracy. Because, disregarding artificial things like weapons (by virtue of which one armored knight is much stronger than so many peasants, to say nothing of what you can do now with these super-weapons), by nature, taking men without special artificial equipment, the mass counts. Five hundred men can trample to death the strongest boxers.

Student: I'm frankly worried by this business of consent here because the rule of the majority isn't mentioned or the rule of anything like this. It is something which I don't see how you can read in. It seems that there are stages in the earlier arguments where you might bring something of this sort up, but not here.

LS: But then, you see, one has to do some thinking of one's own. That the highest principle, the most respectable principle, is wisdom, that he states in a statement before. Wisdom means primarily here practical wisdom, of course. That is clear. On the other hand, we have also seen a reference to consent. You remember? (684) That people demand that consent should also be available.

Student: When we were talking about the foundation of the Dorian Confederacy.

LS: But more specifically, in 684c he spoke of that principle of consent and compared it to the demand made on the gymnastic trainers that they should only impose pleasant training.

Student: Right. I see those places.

LS: All right. Here consent is not mentioned. But we approach this passage with the question, where does consent come in at all? Consent must somehow be provided for. Here there is nothing of consent. Surely not. But the only answer is that they somehow, these six other qualifications, circumscribe the problem of consent. Now the emphasis in these six others is on sheer power. Not only on power. But still you must not forget [that]

the power of parents over children is primarily also the power of the physically stronger over the physically weaker—primarily; mitigated by quite a few other things, surely. But in the center you have this despotic thing. And then the fifth, which is emphatically called "according to nature"—which is not said of those before—is surely sheer strength.

Student: That one certainly.

LS: All right. But as I say we have to figure that out for ourselves. Is there not a connection between consent and power, physical superiority? And I say yes, because consent means the consent of that large multitude, which is physically superior to any number of distinguished individuals.

Student: I just can't help feeling we are stretching a bit for that one.

LS: All right, you can do that. But then you must only say that this is deplorably wrong and really irrational, just as the rule of law is not in it, because consent and rule of law belong somehow together. And the question is exactly to understand. Here are the principles, which are enumerated not in a demonstrative and scientific way:[11] Plato presented [only] a crude and provisional statement of them. But which, because of its crudity, draws our attention so clearly to the problem of mere physical superiority. That is confirmed by other dialogues. In the beginning of the *Republic* there is a scene in which the whole problem of law is presented to us on one page. Socrates is first compelled by a majority, i.e., arms, to stay in the Piraeus. Polemarchus, the warlord, says: We are stronger than you; you have to obey us. And then Adeimantus comes in and persuades Socrates by the promise of a beautiful dinner and torch race, or more or less that, to stay on. First Glaucon is convinced, and Socrates is in a minority of one, and then he says: Okay, if this is the decision of the citizen body assembled, of all except me, then I obey.

Now what does he mean by that? Socrates bows to a mixture of compulsion and persuasion, of mere physical force and some form of reason. That is law. There could be a law that is perfectly rational. Why not? But even then, the obedience is not necessarily forthcoming because of its rationality. People disobey rational laws. Be realistic. Therefore, the compulsory element is also necessary. A mixture of compulsion and persuasion: that constitutes laws and therewith political life as a whole. What one could wish for would be that for sensible people the sensibility of the law alone would make it something to be obeyed, so that sensible people really, by obeying the law, obey only themselves because of the sensibility of the law. But this you get very rarely. An individual law, surely, but in the whole legal body you cannot expect that. Therefore, we always obey to some extent non-sensible things, and therefore the element of force is decisive. The notion of a perfectly rational society, a society in which a sensible man only obeys himself in obeying the law, was the great hope of the modern liberal movement, you could say. But, while I don't want to say what the empirical social scientists say about this—they speak of myth all the time—today no longer anyone believes that anymore. And that means that to some extent we return to the Platonic-Aristotelian view, i.e., that you cannot reasonably expect to have a perfectly rational

order. There is always an element of non-rationality in it. That is the problem. It is indicated here by this strange enumeration of the seven titles to rule.

Student: You suggested that he doesn't mention the rule of law among the seven, but perhaps due to a translation problem or something in the main speech of the Athenian, in which he enumerates the sixth, he concludes by speaking of "but rather according thereto the natural rule of law without force over willing subjects." And it seems that he is equating the rule of law here with the rule of a wise man.

LS: Yes, sure. You are perfectly right. And I should have thought of that. But we know this a long time ago from a long discussion in the First Book, or the beginning of the Second Book, in which he identified . . . . You see, mind or intelligence means in Greek *nous*, or, according to some dialects, *noos*. And law means *nomos*. And one of the many etymologically indefensible puns which Plato makes is that *nomos* is derived from *nous*. But we can disregard the pun. Law owes its dignity only to its rationality, its intellectuality. Surely to that extent you are perfectly right. But still, since *nomos* is however not simply reason empirically (I have explained this when we discussed that long passage at the beginning of the Second Book) but is diluted somehow, for this reason the problem which I stated remains. What is that[12] diluting element? (The pure element is reason, but there must also be a diluting element.) The crudest and most massive but by no means irrelevant answer would be mere force—say, mere body, which appears then in human reflection as a form of the wishes and desires of the various individuals and the necessity of satisfying them and complying with them to some extent, that which we mean by consent. That consent of rational people should be the maxim. That is not a problem, because in the case of a rational law it would be forthcoming; but the problem is the consent of non-rational people, and why this is regarded as a political and even moral demand is a very great problem.

Student: Then what you are suggesting here is that the natural rule of law of which he speaks here would refer to rational people under certain circumstances. But the main type of rule of law which he is discussing in the *Laws* is not mentioned in this passage.

LS: No, no. I simply made an error and was misled by our friend. Law is mentioned. But on the other hand, I believe that Mr. ____ was also right, in spite of his analogical error, because law is really not identical with nous, with reason, and therefore it does have a different status.

Student: Yes. In the enumeration here, I think it is clear that he does mean seven things which are not inclusive of the rule of law, and that he identifies later, in a way—

LS: Well, that is a long question, but at any rate let us not try to talk ourselves out of anything. I have admitted my ignorance, and you should do the same. And in a way, you are even more to blame because you misguided me.

Student: You shouldn't have believed me.

LS: But someone had a question?

Student: On this same question, is there not a distinction to be drawn between the rule of law, that which has to rule by force, and the natural rule of law, which is expressed here without force over willing subjects. And is not the rule of law to which we first referred not mentioned here—that by force over the body, so to speak, the body politic. While this one referred to here is another sort of rule of law, which is in fact not possible in political society?

LS: No. I would say this, that the equation here effected between wisdom and law is a very problematic one. One could perhaps put it this way. Somehow we act and we must act on the problematic identification of law and reason. That is, so to say, as Kant would put it, the maxim of our action as citizens. But it is a theoretically questionable one, because we do not know in all cases whether the law which we obey is rational. And yet we act on that. To some extent we are likely to do irrational things in obeying the law. That it is more rational than to be an anarchist is another matter, but in fact we do not obey reason unqualifiedly.

Student: This is not a major point, but it appears interesting the way the two words come together, law and willingness. It seems to reflect the whole problem. Law had been tacitly identified with the ruling of the wise, but something else which wasn't the same as the immediate formulation, the ruling of the wise, is brought in, willingness. And there the two words are in combination already.

LS: As regards this problem, I remind you of this difficult passage we read near the beginning that the legislator is the third in rank regarding goodness. You remember? The extinction of the bad and stupid would be the highest. The absolute control of the bad and stupid by the good would be the second. And the third would be a kind of, how does he call it—a kind of agreement.

Student: Reconciliation.

LS: Reconciliation between the good and the bad, the wise and the stupid—that is law. But that means also that law as law is of deficient reasonableness. That goes through the whole work.

Student: Here where we find that law is not identical with wisdom, it seems that the good solution required something in addition to law, willingness. The simple existence of law would not be sufficient as a solution.

LS: Yes, sure. Now your question.

Student: I was just going to refer to what you were just mentioning about the other alternatives. In other words, the consent by all reasonable men or the consent by just a strong minority. What you mentioned just a few seconds ago.

LS: Yes, but Plato starts from the premise that the really reasonable man will always be in a minority, and therefore the cooperation of the many in legislation is a problem.

Student: I didn't mean the reasonable but rather these people who don't go around hurting other people and so on.

LS: Sure, but that is too little. Plato takes up this question later.

Student: But on the question of consent, in other words, is it possible to think of consent of the reasonable, who could also be the few and could also be the strong?

LS: Yes, but they cannot be the strong except, for example, if they are the only ones who possess arms, as in the *Republic*. That makes a difference. But the first question is the title: By what right do the guardians, the auxiliaries in the *Republic* possess the arms and therefore control the others? That is justified only because they are controlled by the wise men. And then the grave question arises: Will these armed men obey unarmed men, so to speak, one or two?

Student: But couldn't you imagine a state where the wealthy are the only ones able to afford the arms? And the people who are not wealthy, the democrats, are really a rather bad lot, whereas the wealthy are a reasonably decent lot?

LS: Yes, sure, that you can say. Oh, that is what Plato means. Plato is not squeamish about these matters. He in a way accepts an oligarchic, plutocratic thing.

Student: But by the word "consent" would he mean the consent then also of . . . .

LS: But even there, surely—then it would lead to sheer oppression of the poor, you know, if these people can be allowed to write their own ticket. Think of taxes and other things. That is very hard. But on the other hand, while we may very well say: Let us have a society controlled by the wealthy part, old wealth, and this has great advantages, we would commit terrible errors if we would identify that with a simply good regime. Read these subversive writers (I am not now speaking of communists) like Sinclair Lewis and such people, to say nothing of Upton Sinclair,[vi] and these famous things which every child learns now in grade school, I believe: that there are big men who are rich and yet wicked. So that is not sufficient, even if it is old wealth. But as a crude rule one could say: All right, the preponderance in society of old wealth is the best you can have. That is what Plato and Aristotle really mean. But that is a great resignation.

Student: I was just thinking in terms of an accident in a particular state.

[vi] Harry Sinclair Lewis (1885-1951), Nobel prize-winning author of *Main Street* (1920), *Babbitt* (1922), and *Arrowsmith* (1925); Upton Beall Sinclair Jr. (b. 1878), author of *The Jungle* (1906).

LS: Sure. From this point of view quite a few other things become possible. But even as the best practical solution, generally speaking, it is presented in the *Laws*, so that Aristotle accuses Plato of favoring the rich unduly. We come later on to that[13]—[where] he has a kind of class system where the men of the highest property range have much greater power than those of the lowest. And Aristotle thinks it is not good; it is too plutocratic. But Plato thinks that this is the best he can offer.

But I must now apologize for my rudeness, for we have to rush to the end. Now we get here an examination of the Spartan regime from this point of view, and especially important is the section 691d-692b. And this is one of the most important and probably the earliest statement, at least of such detail, regarding the mixed regime—i.e., this notion that is so important up to the *Federalist Papers* inclusively is here developed. But the mixed regime means here a mixture of strength, wisdom, and the lot. The lot is a democratic institution, the *ephors* in Sparta; wisdom is concentrated in the assembly of the elders, *gerousia*; and strength in the king. You see that these three elements—strength, wisdom and lot—reappear. The other first four are dropped, [i.e.,] the other four are not explicitly considered.

Student: Why do you say that the rule of the kings is strength, exactly? I can see that it might have this meaning, but I am wondering whether it has this meaning in this context.

LS: Well, they are the leaders of the armies. And the leader of the army always has more than his own positive force, as you know. He who commands armed men with authority has all the power which that armed force has.

Student: If you put it just in this way, I wonder if you don't miss something that was brought out quite clearly earlier, that is, that the original foundation of the Dorian state was based upon three things, which were: oaths, by the people founding the state; by proxies; and by noble lying.

LS: Yes, that was at the beginning, but we are speaking now about Sparta.

Student: Right, but I think a contrast is being made here showing that the noble lie, if it is just one noble lie, isn't the guarantee that they thought it was. Well, if it is broken into halves, then I think that everything that is said makes sense in terms of noble lies. But not just in terms of strength. So there is this additional point, I think, which is connected with this business. Maybe that is the point you have in mind.

LS: No. I can only say that in this passage, after having made the enumeration of the seven titles to rule, this indicates that in Sparta you have the best you could expect, a mixed regime, and the mixture means not primarily a mixture of parts of the population but it means a mixture of principles, we could say. And they are called here strength, wisdom, and the lot. There are many more difficulties which we must leave open. Now in the sequel he establishes the following standard, the political standard. A polis must be free and wise and friendly with itself. And the great question is whether there is any connection between these three—free, wise, and friendly with itself—and the three

others—strength, wisdom, and the lot.[14] [There] would be if freedom refers primarily to freedom from foreign domination. Then you need, of course, military equipment for that: strength, the king.

You expect too much from me. I cannot complete this analysis in such a short time. If we could sit here until nine we might be able to find it, but we are faced with this awful thing that we have less than two hours, which is absurd. And this compels me to rush through; therefore I cannot do more than indicate the problem.

Plato gives various formulations of the political problem. And how they fit together we must see. Then he gives another formulation (693d-694a) in which he says this: there are two models of all regimes, monarchy and democracy. And he states now the political problem as follows. A mixture of monarchy and democracy, a mixture of the maximum of power concentrated and of freedom not impeded by anything, absolute democracy, that is the right thing. And the examples by which he illustrates that are Persia, as far as monarchy is concerned, and Athens, as far as democracy is concerned. He states it (694a) as follows: we have to seek for a mean between slavery and freedom. Freedom means here completely uninhibited freedom, and slavery—you see here where slaves come in, you remember?—I remind those of you who have read the *Social Contract* of the first sentence of the *Social Contract* of Rousseau. Can anyone quote it correctly?

Student: Man is born free but he is everywhere in chains.

LS: And how this happened I do not know, but how it can be made legitimate, that I believe I can show. That is to say, the problem of the *Social Contract* is not freedom but legitimate slavery, legitimate bonds, the difference between legitimate and illegitimate bonds. Civil life is one form of slavery. This is of course a gross overstatement—we all know that we can walk around without chains—but in a deeper sense that is so. And that is also the problem as Plato states it. By the way, when Aristotle in the *Politics* says that Plato contends in the *Laws* that the best regime is a mixture of tyranny and democracy, and the commentators jump at him and say that he misquotes Plato, that Plato didn't speak of tyranny but monarchy—well, Aristotle in his wisdom understood Plato very well, because when Plato speaks of slavery and freedom which have to be mixed, the regime would then be tyranny and not monarchy, kingship generally speaking. So Aristotle, I would say, can always be trusted in these matters although he does not necessarily quote literally, but the literal understanding of Plato, while it is indispensable for any further progress, is never sufficient.

LS: In this context (694c-d) there is an alleged criticism of Xenophon's *Education of Cyrus* (I don't know what they say about that), which is in my opinion sheer nonsense. It is in fact a critique of Sparta, if one considers the context. The examination of Persia leads to the result that moderation, *sōphrosynē*, is indispensable for ruling. And here we have a very important passage (696b ff.) which we should read.

Reader:

> [Ath.:] Nor indeed is it right that pre-eminent honours in a State should be conferred on a man because he is specially wealthy, any more than it is right to confer them because he is swift or comely or strong without any virtue, or with a virtue devoid of temperance.
> [Meg.:] What do you mean by that, Stranger? (696b)

LS: You see, that is not evident to Megillus, an old hand in politics.

Reader:

> [Ath.:] Courage is, presumably, one part of virtue.
> [Meg.:] Certainly.
> [Ath.:] Now that you have heard the argument, judge for yourself whether you would welcome as housemate or neighbour a man who is extremely courageous, but licentious rather than temperate.
> [Meg.:] Don't suggest such a thing! (696b-c)

LS: "God forbid," one could translate it.

Reader: [Ath.:] Well then,— a man wise in art and crafts, but unjust.

> [Meg.:] Certainly not.
> [Ath.:] But justice, surely, is not bred apart from temperance.
> [Meg.:] Impossible.
> [Ath.:] Nor is he whom we recently proposed as our type of wisdom,—the man who has his feelings of pleasure and pain in accord with the dictates of right reason and obedient thereto.
> [Meg.:] No, indeed.
> [Ath.:] Here is a further point we must consider, in order to judge about the conferment of honours in States, when they are right and when wrong.
> [Meg.]: What point?
> [Ath.:] If temperance existed alone in a man's soul, divorced from all the rest of virtue, would it justly be held in honour or the reverse? (696c-d)

LS: Now that is a very important question. Now we take the case of the man who possesses moderation and no other virtue. Moderation is that virtue (as it is meant here) of which all men are equally capable. Don't forget the *Republic*: everyone must possess moderation, but only a part of the population possesses courage, and a still smaller part possesses wisdom. So moderation is in this sense, let us say, common decency. That is the virtue which you can expect from everyone. Does it deserve honor? Does it deserve especially that honor of ruling positions? Megillus is bewildered. Now let us see the sequel.

Reader:

> [Meg.:] I cannot tell what reply to make.

> [Ath.:] Yet, in truth, you have made a reply, and a reasonable one. For if you had declared for either of the alternatives in my question, you would have said what is, to my mind, quite out of tune.
> [Meg.:] So that it turned out to be all right.[vii] (696d)

LS: So in other words, that is not enough. Now why is this so important? That is the problem of democracy: whether that virtue of which all men can be presumed to be capable is sufficient to give a title to rule. And the answer is, on reflection, no.

I must skip quite a few other things. I mention one other point regarding 698a-c, where he describes the original Athenian regime, which was a kind of oligarchy and was certainly not democracy, and how this was particularly good at the time of the Persian War, i.e., where the reference and respect for law was reinforced by fear of the foreign enemy. And then he describes how this original Athenian regime, which can also be called an aristocracy, how its decay began with the decay of the theater—where it was no longer the best part of the audience which judged but the audience at large. In other words, you got first democracy in an art and then the political democracy followed. That is the way in which he suggests it here. And at the end of this Book he makes it clear that the standards which have been mentioned apply equally to the individual, which is a reminder of the problem involved in that. The individual can reach a higher stage of perfection, at least some individuals, than the polis as a whole can.

The end of this Book, of course, is the practical remark of Clinias, which is very important. He has been commissioned to elaborate a code for a Cretan colony, and therefore he is very grateful to have this very bright man from Athens at his elbow together with Megillus from Sparta, so that this legislation as given here, as sketched here, is meant to supply the code for a colony actually to be founded. What the content of that code is, of course, we do not know. We have only now the most general principles. The legislation proper begins much later. The problem which we have is [in] no way solved, and it is better to have no solution than a sham solution, is how these various criteria which have been offered [come together]: e.g., the various titles to rule; and then the elements of a mixed regime (strength, wisdom and the lot); and then the other criteria (wisdom, freedom and harmony, the city must be friendly with itself); and the mean between monarchy and democracy.[15] I am sure they mean the same thing, but that has to be stated and found out by a thorough analysis. The main point, however, which I think should have become clear, is this: that mere reason, reason by itself, is not sufficient for ruling society. Another element is needed, which we can very well call to begin with consent—which means, of course, consent to the proposals of the wise by people who are not wise, nd that is a very great problem. And you can perhaps say [that] when Plato says later on that we ourselves as legislators, we are the tragedy, meaning we don't need other tragedies; perhaps he means that. To this extent the polis is essentially a tragic thing, meaning, confronted with an insoluble problem. And yet, in a way, the problem is in fact solved in every tolerably decent society, but it is never elegant, what the mathematicians would call an elegant solution, a universally valid and absolutely cogent solution. It is a

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[vii] In the Loeb: "So it has turned out to be all right."

defective solution. And we see the whole issue of freedom is of course involved, because what we ordinarily mean by freedom is that precisely: consent, so that no one is subject to a law in the making of which he does not have some influence, however indirect, by voting and so on. And we see it if we compare it with regimes in which there is no voting whatever, no free elections whatever.

[end of session]

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[1] Deleted "is Plato's teaching."
[2] Deleted "more."
[3] Deleted "When."
[4] Deleted "if the best laws are a divine gift, what is the attitude of the human legislator if the laws are a divine gift?"
[5] Deleted "they."
[6] Deleted "are."
[7] Deleted "people."
[8] Changed from "it is as absurd as."
[9] Moved "is."
[10] Deleted "is his principle."
[11] Deleted "but."
[12] Deleted "element diluting, the."
[13] Deleted "when."
[14] Deleted "it."
[15] Moved "come together."

Session 7: February 5, 1959

Leo Strauss: [i] [in progress] —especially the point which you put at the end, that was very neatly stated: that an agreement between man and law, because of a certain disproportion between man and law, [is] to be brought about especially by the prelude. There are only a few points which I would like to mention where I do not quite agree with you. As to the first, you say, "Why does he stress the given condition?" And you say it is meant from the outset to be an adaptation to conditions which were not too favorable. I do not believe that this is so, because I think he presents here truly the best favorable conditions.

Student: I mean not "best" in the sense of, say, in the *Republic* where they choose what would be the best, the most desired circumstances.

LS: But there they disregard, so to speak, all conditions, e.g., the question of territory and so on.

Student: But the site which they choose the Athenian thinks is not perfectly good. For instance, he makes the comment: "Yet the land is still only 80 stadia from the sea."

LS: But in the *Republic* there is no reflection whatsoever of this nature. In the *Republic* they consider only the conditions of the human soul, perhaps of the human body, but not more. Good. Now you rightly stated that these conditions are non-political. That is crucial. The political has not to do with the conditions as such, but what is to be made with the conditions on the basis of them. And yet the conditions are not causes in the sense that they determine the superstructure. The conditions are like material—the wood for the carpenter. And as little as you can explain the table by the nature of the wood, as little can you explain the political set-up by the natural conditions. But nevertheless they are conditions; therefore the political set-up cannot be in contradiction to them.

What I found least clear in your statement was this comment regarding the three things: chance, God and art.

Student: The argument?

LS: Your comment about it. I mean, the statement is not without difficulty in Plato, that is certain. But you said it is not demonstrated that art can affect chance.

Student: I say art in fact does complement chance. Maybe we are deluded in thinking the artisan really—

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[i] Strauss responds to a student's paper, read at the beginning of the session. The reading was not recorded.

LS: But take a very simple case: a very skilled physician and a very stupid physician confronted with something wholly unexpected, e.g., that the disease doesn't run its ordinary course [and] it has never been observed or never been described in scientific papers. Now the very intelligent physician might very well be able to handle this unforeseen event.

Student: Is it the case that he is doing it or rather some blind circumstances working in the world?

LS: He grasps the situation, and this grasping, this act of the light in man—that is the opposite of chance—makes it possible to counteract chance. So I believe one cannot say that it has not been demonstrated, that no special demonstration is necessary. We see this all the time, that some people are completely bewildered.

Student: I agree with the commonsense distinctions, but he says they are true right off without making any attempt to—

LS: Well . . . .

Student: And it is a pretty important thing.

LS: Sure, but that art does play a role and provision, human provision, is I think as undeniable as that there are trees. Unless you want to start from a premise of complete skepticism, out of which you can probably never get anywhere.

Now when you said the true law has to do with the common good—and that is surely what he says—you mentioned that it is not very precise and detailed. That is certainly true. But is it not sufficient for the purpose because the problem here is not public good and private good but the common good or sectional good? Now the common good is opposed to sectional good. That is the point under consideration here. Now of course, the questions come back: What about the sectional goods which exist, e.g., that the farmers have a different interest than the urban people, and so on? Now what would then be the common good in the light of the sectional goods? Not everything is sectional, of course—national defense is not sectional—but other things are sectional. What would be the common good from Plato's point of view, with a view to the sectional goods? Well, a general answer is possible. You have to consider the relative significance and dignity of the various sections, and to give more to the section of higher significance. What the criteria are is another matter. But that is formally the character of the answer. And the question is whether. if you make this admission, as Plato does, you do not have to make allowance for the sections in the legislative body, for example. And that is what Plato in fact does later on when he speaks about the polity in detail.

There is one point where I may be wrong or the difficulty may be merely verbal or linguistic: "Law must be arbitrary." This is certainly not Plato's expression. Law must command, surely. But that means it must also provide for punishments. He doesn't say that is arbitrary.

Student: No. Prescriptions are somewhat arbitrary. Do you recall the context where I used the word "arbitrary"?

LS: No. But I would say, for example, that if a doctor says "Take two aspirin" and doesn't give any reason, I would not say that is an arbitrary act. It might be arbitrary because he gets some payment from Bayer and Company and therefore takes aspirin and not Bufferin. I don't know whether such things happen. But assuming that he is an honest man, I would not say this is arbitrary. It is his best conviction based on—

Student: . . . the size of the funeral, to determine what is large, to determine the quality in terms of quantity, becomes an arbitrary matter.

LS: No, the objection of Plato is not that this provision as it is now is arbitrary, but that it is vague. If the legislator says funerals should be moderate and the people have very different opinions about what is a moderate funeral, then the lawgiver in a way doesn't say anything. And therefore he has to say [that] no funeral must cost more than that, or maybe less than that, in order to prevent neglect of the parents.

Now these were the particular points I wanted to mention. Otherwise it was a very clear paper. Now let us turn to the book as a whole. We are here confronted with a city to be founded in Crete. And since Clinias is an important member of that commission, Clinias is the chief interlocutor in this book. Megillus comes up only twice. Now there is then a fundamental difference between Books 4 [and] following and the first three Books. In the first three Books, we had an examination of the old laws, of the established laws, and in this context the standards were elaborated: the ends of law, the essential character of law, and the origin of law. And from this there could emerge—from this theoretical discussion there could emerge—the demand for a code which would be in agreement with these standards. But that is not the way in which Plato proceeds. Plato makes this quest for the new code, for a code in agreement with his standards, dependent on the practical need here and now for that. They sent out a new colony and want to found a new city; therefore, a new code. Why does he do that? Why does he not say that after they have found out the right standards, let us now see how a code would look. Why does he bring in this apparently irrelevant thing that they *need* a new code?

Student: The fact that codes are things which may be good or bad, but which in any case are not to be changed lightly.

LS: Yes, but we have found out that the old code isn't good.

Student: But we can grant this and still say that to mess it up at this time might make things even worse.

LS: I see. It is implied then that there should be no changes in the old cities. But here we have a god-sent opportunity where we can give a good code. Yes, that is a very good point. But one other point also must not be forgotten: that since they are now (even the

Athenian Stranger) acting as a legislator, [even] if by remote control,[1] they therefore have now a much greater responsibility than in the more theoretical first three Books. This is bound to have consequences.

Now the Book can be divided into three parts, although it might easily be [divided] into the two parts as suggested in today's paper. I believe it is simpler to say in three parts: first, the conditions; second, the political order, the regime; and third, the laws. Now to take the first, this falls under the heading chance and art. Certain things have to be given, and it does not depend upon human activity whether they are supplied or not. It is a matter of chance whether they are supplied, and then what human art can do with that. Regarding these given conditions, he distinguishes two: the nature of the territory and the character of the populace. And then the other thing, where chance also enters, is how do they get the power, the political power, the power over men, to get the new code across. The best solution is said to be completely concentrated power, i.e., tyranny, but a tyranny guided by a wise legislator. We will take this up later on.

Then we turn to the *politeia*, to the regime. And the general answer is this: the good order cannot be the rule of men, whoever they may be, it can only be the rule of god. But this must be broadly understood: the rule of the godly, of the divine in men, i.e., reason. And this goes on then to the last step, rule of law. The rule of god is, in a way, the rule of law. Rule of law and not of men—the famous formula. From this a grave consequence follows. The moral virtue determining the whole society must be moderation or temperance (you remember the discussion of this virtue we had last time) and this moderation, being obedience to law and therewith to god, insensibly changes into piety, reverence for the gods and also for the parents. You remember the *Minos*: sacrifices and funerals. And it is no accident that the key example by which the Stranger makes clear the character of good laws is taken from funerals. That is the whole issue of the ancestors and therewith indirectly of the gods. Now regarding the laws, the decisive question is: Should they be mere commands, or should they also contain persuasion? And the answer is that they must contain persuasion, and these are called preludes or proems. This much about the structure of the Book as a whole.

Now let us turn to the text, and first read in the beginning (705c) the speech of Clinias.

Reader:

> [Ath.:] Well, then, how is our district off for timber for ship-building?
> [Clin.:] There is no fir to speak of, nor pine, and but little cypress; nor could one find much larch or plane, which shipwrights are always obliged to use for the interior fittings of ships.
> [Ath.:] Those, too, are natural features which would not be bad for the country.
> [Clin.:] Why so?
> [Ath.:] That a State should not find it easy to copy its enemies in bad habits is a good thing. (705c-d)

LS: I have probably pointed to the wrong passage, but I can't find the right one now in the rush. But the main point here in the argument is this: it is not good to live close to the

sea. The distance is ten miles, and that is just tolerable. Ten miles means much more when there are no cars than would otherwise be the case. But why this distrust of the sea? Why this distrust of the sea? Why should one live inland?

Student: To keep away from innovation.

LS: But that is not stressed here. What is stressed here is the bad effect regarding virtue.

Student: The tendency toward trade.

LS: Trade. That is the point here. Trade has a bad moral effect.

Student: I'd like to take that a little further. Is there any more general significance about this external trade? He doesn't mind some kind of internal trade.

LS: A bit, sure. You have too many cows and too much milk and butter, and on the other hand your neighbor has more hens. But that is barter. But maybe the other fellow lives in the next village and someone takes care of bringing the surplus of village A to village B and vice versa. That is no problem.

Student: But would the external trade in a sense destroy the moral self-sufficiency?

LS: Some foreign trade is inevitable. For example, you may not have enough timber, or you may lack salt. Think how important salt is for many purposes—salting flesh and so on. And not all districts of the world are sufficiently supplied with salt; and others are not sufficiently supplied with timber. Men cannot have the minimum of well-being needed if there is not some exchange, because of the unequal distribution of these things. But the question is what is its place in society. Must it be predominant or must it have a strictly subordinate place? These are the extremes. And Plato's answer [is]: strictly subordinate. And why? What is the bad effect of these things?

Student: That is what I was, in a sense, asking.

LS: He says so [at] (705a 4-7), [in] the long statement of the Athenian. The main point he makes there is this. Trade destroys good faith and friendship. Why?

Student: Well, it would destroy good faith if people were only interested in making a profit, because you would even go to the extent of not keeping your contracts.

LS: Yes, but then you can have a very effective law. I admit that this very effective law will produce very effective lawyers.

Student: Well, the mere idea of making the profit by trading and giving somebody something for which you get value in return, but more value than it is absolutely worth. In a sense, you are cheating this person.

LS: But could you not say that the fellow who brings the eggs from village A to village B ten miles away has really a lot of trouble? He must collect them first, and then he must feed his horse and so on. This creates a problem. Now I think if we start from one thing with which we are familiar—how do we call a commercial society, I mean a society in which commerce predominates? We also call it a competitive society. Competition, that is the problem. You see, the farmer as farmer does not [compete], nor is [he] compelled to.[2] He may do that, but that is his own fault; he doesn't have to. He doesn't have to look at what the other fellow is doing. He may do it, but that is his fault. And this is, I think, the basic point: competition is as such a danger to good faith and friendship. That applies not only to commercial competition, of course, but it is no accident that when we speak of competition we think primarily of commercial competition and not of competition for prizes at a county fair, or an examination.

Student: [Inaudible]

LS: Yes, sure, and that he comes to later. But this was the first point. This was a fairly common view among the moralists of former ages. It has changed completely in modern times, and if one wants to understand that change one would have to study above all Locke and Montesquieu, who are, I believe, the greatest representatives of this new change, the justification of competition, as we can say.

Now he also refers to the bad effect of gold and silver. That is only another aspect of the same problem. At this point we observe (705e, beginning):

Reader: "So [do] you now, in turn, keep a watch on my present law-making, as you follow it, in case I should enact any law either not tending to virtue at all, or tending only to a part of it." (705e)

LS: That is all we need. You see, the Athenian is now the legislator and there is no pretence to divine inspiration. It is a human being who is the legislator. Now in the sequel, the whole question of the navy comes up and here we get a reminder of the old enmity between Athens and Crete, the story of Minos, of which we have read in the *Minos*. Now the Athenians couldn't defeat Minos, who was the ruler of the sea. But these old Athenians did not imitate Minos, i.e., they did not become a seafaring nation. Having a navy is productive of disgraceful habits, as Homer's Odysseus testifies. And then the quotation from Homer. Yet in such cases one must also look at the *Odyssey* and not merely look at what Plato happens to quote, and we see that Odysseus praises the opposite, you know, on certain occasions. So Homer is at any rate not an unambiguous witness to that. One thing is clear: that is the Athenian experience to which you referred. When Athens became a seafaring power after the Persian War, they had to use the scum of the population, the people who were wholly unfit for military service proper, as sailors. This could be done without any military qualities; it requires mere physical force. But in order to keep them loyal, they had to receive political power. So the beginning of democracy, of radical democracy, in Athens is identical with Athens becoming a naval power.

But this is not the only story. What is involved in that whole question of the sea, of which we are reminded of by Odysseus? You see, Odysseus is in Homer the presentation of the wiliest of men, and that means in the older notion almost the same as the wisest of men. Now at the beginning of the *Odyssey* he is described as a man who has seen the customs and learned the thoughts of all kinds of nations. There is a connection between his wisdom, the emancipation of his mind, and his traveling, and that is a theme which goes through Greek thought. One can say this from a merely historical point of view: traveling is a condition of philosophy—becoming aware of the arbitrary character of the local opinions. But while this is a very great advantage for the mind, it is a great danger for the society, because if people become aware of the "relativity" of their customs and myths, this serves as a disintegrating force. You have it now as a problem of the underdeveloped countries whose whole social order is endangered by the intercourse with strangers. And therefore the question of travelling will play a role in this book. Later on we will get very severe prescriptions, much stricter than those for which Secretary of State Dulles[ii] has been accused. You must have very high qualifications to get a passport in Plato's *Laws*. This is a simple example of the great cleavage between the requirements of the mind and the requirements of society, and we must keep this in mind. But at any rate, the Athenian in this part of the argument limits himself to the crude political consideration that Athens, the old aristocratic Athens, was destroyed by naval power. In Athens the democracy was imperialistic; the old-fashioned people were isolationists. These things change from time to time. Clinias, however, is a descendant from Minos. He defends the navy and says [that] Salamis, the naval battle of Salamis, saved Greece. But here the Athenian and Megillus unite against the Cretan. It was not Salamis but the land battles of Marathon and Plataea which saved Greece. We turn then to 707d (page 265):

Reader: [Ath.:] Since, however, our present object [is] political excellence—

LS: More precisely, "the excellence of the polity."

Reader:

> [Ath.:] it is the natural character of a country and its legal arrangements that we are considering; so that we differ from most people in not regarding mere safety and existence as the most precious thing men can possess, but rather the gaining of all possible goodness and the keeping of it throughout life. This too, I believe, was stated by us before. (707d)

LS: So here he states the standard again, but with this change. It is the goodness of the virtue of the polity. That is the standard. It is not simply the virtue of man; and whether it is altogether the same remains to be seen. With a view to the goodness of the polity, we

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[ii] John Foster Dulles was Secretary of State in the Eisenhower administrations during the Cold War. Strauss is referring to the case of Rockwell Kent, who was denied a passport on the grounds that he was a communist. In *Kent* v. *Dulles* (1958), the Supreme Court found that the right to travel is part of the liberty protected by the Fifth Amendment's due process clause, and that the secretary of state had exceeded his authority by refusing to issue passports to communists.

consider first the nature of the territory, a term used here, and the order of the laws. And the goal is not mere being, which includes political independence regarding other nations, or mere survival, but the greatest possible excellence. Now after he has discussed the nature of the territory, he turns to what Aristotle did call (in the Seventh Book of the *Politics*) the nature of the citizens, of the populace. But Plato, the Athenian Stranger, does not speak of the nature of the future citizens. Why? Let us see in 708b, the speech of the Athenian:

Reader:

> [Ath.:] It would not be equally easy for States to conduct settlements in other cases as in those when, like a swarm of bees, a single clan goes out from a single country and settles, as a friend coming from friends, being either squeezed out by lack of room or forced by some other such pressing need. At times, too, the violence of civil strife might compel a whole section of a State to emigrate; and on one occasion an entire State went into exile, when it was totally crushed by an overpowering attack. All such cases are in one way easier to manage, as regards settling and legislation, but in another way harder. In the case where the race is one, with the same language and laws, this unity makes for friendliness, since it shares also in sacred rites and all matters of religion; but such a body does not easily tolerate laws or polities which differ from those of its homeland. Again, where such a body has seceded owing to civil strife due to the badness of the laws, but still strives to retain, owing to long habit, the very customs which caused its former ruin, then, because of this, it proves a difficult and intractable subject for the person who has control of its settlement and its laws. On the other hand, the clan that is formed by fusion of various elements would perhaps be more ready to submit to new laws, but to cause it to share in one spirit and pant (as they say) in unison like a team of horses would be a lengthy task and most difficult. But in truth legislation and the settlement of States are tasks that require men perfect above all other men in goodness. (708b-d)

LS: Now we have here an answer to the question why he does not speak of the nature of the populace. They are already molded by custom. They are not Hobbean or Rousseauan men in the state of nature, but they are men who have been molded by previous legislation. And here the problem is this: men cannot live without habits or usages or customs, and yet these usages or customs or habits are frequently bad. But you never get men without them. Given the extreme rarity of good habituation—one could even speak of the essential defect of all habituation—to what is this essential defect due? By the way, you see that he here raises the question of the melting pot, by implication, as a good condition for good legislation. It means a weakening of the traditional bonds. Why can one speak of an essential defect of habituation?

Student: The origins are imperfect.

LS: Yes, habituation depends on legislation, explicitly or implicitly. And on what does the legislation depend?

Student: The circumstances.

LS: Yes, here he uses even a stronger expression. Let us read the beginning of 709, the first speech of the Athenian there.

Reader:

> [Ath.:] I was on the point of saying that no man ever makes laws, but chances and accidents of all kinds, occurring in all sorts of ways, make all our laws for us. For either it is a war that violently upsets polities and changes laws, or it is the distress due to grievous poverty. Diseases, too, often force on revolutions, owing to the inroads of pestilences and recurring bad seasons prolonged over many years. Foreseeing all this, one might deem it proper to say—as I said just now—that no mortal man frames any law, but human affairs are nearly all matters of pure chance. But the fact is that, although one may appear to be quite right in saying this about sea-faring and the arts of the pilot, the physician, and general, yet there really is something else that we may say with equal truth about these same things. (709a-b)

LS: In the first place, I repeat that the reason why all habituation is defective is that all habituation rests on legislation and, ultimately, on chance. That is an overstatement, but we must think that through. And chance means that it is simply imposed on man; there is no reason for that. It is merely that it is so. And now he qualifies that in the sequel.

Reader:

> [Ath.:] That God controls all that is, and that Chance and Occasion co-operate with God in the control of all human affairs. It is, however, less harsh to admit that these two must be accompanied by a third factor, which is Art. For that the pilots' art should co-operate with the Occasion—verily I, for one, should esteem that great advantage. (709b-c)

LS: So in other words, there is a certain mitigation to begin with in saying—and that is surely Plato's opinion—that chance is not primary. Not that chance can be reduced to something else (that is another matter) but there is something more fundamental than chance, and that is here called god. But even god and chance together leave room for human art. Human art will find a very limited place in the scheme of politics, and everything depends on this—on human art, on the political art being able to do something; otherwise we will never get the right polity. So one thing appears to be clear, whatever this relation between god and chance happens to be, which is only alluded to here: we need a piece of good luck if we want to have a good polity. That refers to the territory, it refers to the character of the future potential citizens, but it refers above all to the character of the government. These settlers do not come as isolated individuals: there is some power, some political power there. The character of that power will be decisive for the quality of the legislation. Now what is that piece of good luck? That is stated in 709b (end).

Student: May I ask a question before we go on? Is not this whole problem of the origin of patterns of law dependent on chance and god somehow also found—bound up with his notion of a dim tradition and of the ancients as the ones who somehow received tradition intact from a divine source in some way or another?

LS: In some way it is necessarily bound up, but in what way? Does the triad—god, chance, art—depend on tradition?

Student: No, I don't mean that the triad depends on tradition, but I mean that the problem of how to answer this idea of the source of law or the fact that somehow all habit must be imperfect because it is based on legislation—

LS: Yes, but here we are raising this question. The triad is transhistorical. That is always so that these three elements determine to different degrees what men do. Now here we are concerned with the question: What is the best possible combination, best possible constellation, with a view to the best polity? Now it is clear that the complete rule of god (and here you never know completely whether he means God or *a* god),[3] [complete] determination whether by god[4] [or] chance, would be fatal to the best order, because art, human art, must be in it. But what is the most desirable condition regarding the human art? Let us assume we have a man who possesses the political art to the highest degree. That does not guarantee, of course, any effectiveness whatever of that art. Is it not clear? Because, for example, these others might simply tell him to shut up or perhaps make him shut up. So he must be listened to. And in addition, it depends very much whether those who listen to him have the power to act on it. And that is the question which he is here concerned with: the best possible conditions for making human wisdom tell in political or human matters. That is the question. Now what are these? (page 273, the second long speech of the Athenian).

Reader: [Ath.:] "This is what he will say—"

LS: But let us first take this just a bit before, i.e., the speech of Clinias.

Reader:

> [Kl.:] What is the best[iii] thing that can rightly be said?
> [Ath.:] You mean, do you not, on the side of the lawgiver?
> [Clin.:] Yes.
> [Ath.:] This is what he will say: "Give me the State under a monarchy—" (709e)

LS: "Tyrant" is the word. He is not so squeamish.

Reader: and let the tyrant be young—

LS: Why does he wish to spare our nerves?

[iii] In the Loeb: "next" instead of "best."

Reader:

> [Ath.:] and let the tyrant[iv] be young, and possessed by nature of a good memory, quick intelligence, courage and nobility of manner; and let that quality, which we formerly mentiond as the necessary accompaniment of all the parts of virtue, attend now also on our monarch's soul, if the rest of his qualities are to be of any value."
> [Clin.:] Temperance, as I think, Megillus, is what the Stranger indicates as the necessary accompaniment. Is it not?
> [Ath.:] Yes, Clinias; temperance, that is, of the ordinary kind;— (709e-710a)

LS: "Vulgar kind" would be better.

Reader: "not the kind men mean when they use academic language and identify temperance with wisdom—"

LS: I need not tell you that this usage, i.e., "academic language," is not Plato['s]. Plato founded the Academy. "As some one would say compelling in addition prudence or wisdom to be moderation."

Reader:

> but that kind which by natural instinct springs up at birth in children and animals, so that some are not incontinent, others continent, in respect of pleasures; and of this we said that, when isolated from the numerous so-called "goods," it was of no account. (710a-b)

LS: Do you remember that? That was the key passage in the Third Book. While moderation, temperance, in the strict sense is indispensable, it is nothing to boast of. It does not in any way give a title to rule. That was crucial. Now in the first place, we see that not Plato (of course not) nor the Athenian Stranger, but an absent and nameless legislator, whom he conjures, raises a demand for a tyrant. Because that is really a harsh word; the translator has no right to sweeten things. He has to say it; otherwise we don't understand what Plato means. Now we must come later on to what he means by that.

Now here he refers again to the qualities of the tyrant. Do they ring a bell—these qualities of the tyrant as mentioned in 709e7-8? They have been bodily lifted from somewhere.

Student: Some are human and some are—

LS: No, no. I mean something very external, a mere fact of information.

Student: They are the qualities of the philosopher in the *Republic*.

LS: Yes, sure. Especially in [*Republic*] 487a.

[iv] In the Loeb: "monarch"

Student: The one, young, would not be a quality of the philosopher.

LS: No, that is true, but the others are. But Plato omitted here certain qualifications which he ascribed to the philosopher. And the first is that he be a lover of truth and justice. That doesn't exist here, as you can see. And secondly, the philosopher must have that quality of wittiness or gracefulness, which also is not required of a tyrant, for reasons which I do not have to labor. But this is a very important question, this reflection about moderation. This means what Aristotle says in the *Ethics*, almost: self-control regarding food and the other bodily pleasures. That is all. Aristotle is a bit more sophisticated, but that is the content, the subject matter, of moderation, according to Aristotle. And why does Plato inflate moderation by compelling wisdom to be an element of it, and therefore giving it a status which it does not deserve? That is very strange, [what][5] he says.[6] You know, for example, that you have a good example in the First Book. You will remember that. Courage and moderation are perfectly distinguished in ordinary parlance, and that makes sense, and then the Athenian inflates courage so that it includes not only the quality of control of fear but also the control of pleasure. And that is going on in all Platonic dialogues, i.e., this kind of thing regarding the various virtues.

But here let us limit ourselves to the example of moderation. Why could one wish to do that, to give moderation a much higher status than it deserves temporarily? Well, in the Third Book we have seen (or at least in discussing the Third Book we have seen this) that moderation is that virtue which is most easily accessible to human beings, males and females. And courage—in Greek, manliness—by its very name indicates that it is more likely to be found among males than among females, to say nothing about what the *Republic* says about it. But a certain self-control regarding bodily pleasures can be expected of practically every human being and can be brought about by the proper habituation, so it is the most common virtue. This of course doesn't make it unimportant; it is terribly important, but still low in rank. Now since this virtue can be expected to be found in every man, it can be said to be characteristic of the *demos* as *demos*—and therefore the whole problem of the contribution of an average virtue, the political significance of an average virtue. The whole platform of democracy is connected with that, i.e., with the status of moderation. There are other reasons as well, but I limit myself for the time being to that.

So we need such a tyrant, who reminds [us] of the Platonic philosopher—but only reminds of it. One decisive difference: the love of knowledge, of truth, is absent and also the wittiness is absent. Apparently Socrates thought they were connected with each other. But one crucial point: this tyrant must be subject to a wise legislator, otherwise the whole thing will go wrong. The tyrant is only needed because he supplies the power, the concentrated power needed for establishing a radically different law. Now we have here, then, this element—you remember the three elements which we wanted: strength, wisdom, and freedom. The wisdom is supplied by the legislator; the strength is supplied by the tyrant. What about freedom, which we also need, as we have been told in the Third Book? How does it come in? Well, as we will see in 711c, the tyrant must use not only force but persuasion as well. Men are free politically to the extent to which they are

induced to act properly not by force, but by persuasion. This would be the answer to this question at this stage. In 710c-d, perhaps we read this speech of the Athenian (page 275).

Reader: [Ath.:] "And also 'fortunate'—"

LS: Namely, the tyrant must be fortunate.

Reader:

> not in other respects, but only in this, that in his time there should arise a praiseworthy lawgiver, and that, by a piece of good fortune, the two of them should meet; for if this were so, then God would have done nearly everything that he does when he desires that a State should be eminently prosperous. (710c-d)

LS: I want to show only this. You see here god and chance have become identified or, in other words, the chance is interpreted as the gift of a god. This will come out later on in a more comprehensive way. The argument proceeds here as follows. The best city comes[7] [most easily] into being through a tyrant because of the consideration of power; least easily out of an oligarchy. And the Cretan is quite surprised by that. Why is an oligarchy least able to transform itself into the best polity?

Student: To take what I assume to be a superficial approach: because the power is distributed among too many people.

LS: Is it superficial?

Student: I say it is, because he says the democracy is better than an oligarchy. It seems to me that you would have even a wider distribution.

LS: Well, I do not say that Plato is right, but I have heard some talk in up-to-date political science circles about democratic rule. If you would say to an up-to-date political scientist [that] democracy is rule of the people, what would he do?

Student: Laugh at you.

LS: Laugh. And what would he say?

Student: The people can be persuaded.

LS: Yes, but they have a word for that. Who rules?

Student: The elite.

LS: The elite. And what Plato says, in other words, is that in an oligarchy that elite is more numerous than in a democracy. And he would argue as follows. Look at a democracy. Who really controls the business? (He thinks of Athenian democracy, of course.) Well, the demagogue. And there is usually one leader of the people—Cleon and

such kind of men. But in an oligarchy, there are fifteen or twenty families, old families, and, although it is not necessarily true of every generation, this bunch of twenty men, whoever they may be, have for all practical purposes an equal right in that. That is his point. Oligarchy is then very bad from the point of view of a revolutionary change, we could say (to use our modern language), which means that oligarchy is unusually stable. That is the point to be seen here. Unusually stable. And that is also a disadvantage, because stability, while being a great virtue, is not the only virtue and not even the highest virtue. Stability in what?

Now let us turn to 712a. Here is a formula at the beginning of 712 which also reminds us of the *Republic*, where he speaks of the coincidence of sensibility and moderation with the greatest power. That is the famous formula of the *Republic*, with one little change. What does he say in the *Republic*? What must coincide? Philosophy. You see, philosophy doesn't occur here. Of course it is always there, and the Athenian Stranger, knowing what philosophy is, can't help thinking of it. This will become transparent through what he says if the reader knows something of philosophy, but not to Clinias and Megillus. We had one beautiful example, I thought, in the First or Second Book: the finest song—you know, [for] which we need somehow to get a really good chorus, and which has then to be watered down. You remember that old, finest song—and the finest chorus? Good.

Now then we turn to the polity or the regime of the future city. And in this connection the whole question of the regime is raised. And this is the most detailed discussion of the subject in Plato's works. You know these regimes: oligarchies, democracies, kingships—the whole story. But Megillus is at a loss to say what kind of a regime Sparta has. In one respect it is a democracy, in another it is an oligarchy. The Athenian says: Well, surely, you are at a loss and quite rightly, because you live in a mixed regime. We have seen this before. Or, as he also puts it (and again this is badly translated) on page 283:[v] "For you do in fact partake in polities" and not "a number of polities." A "number of" must be deleted in this sentence. You live in a true polity. The others that are not polities are confluences of individuals; they are not a true polity. A polity must be mixed. What does that mean? In all the simple regimes, we could say, a part dominates: the one, the few, the many. And the rule of a part is non-political; the whole must rule in a way. This is stated as follows. A true regime is one in which not men rule but god. That is the first formula, for example. That makes some sense to us. But you see how different people are and also at different times, in 713a5, the first speech of Clinias in which he says "Which god?" Is it Zeus, or who is it? Which god? And therefore the Athenian must take a roundabout way, because he has to lead up to something else. Clinias doesn't understand, and therefore Plato introduces a given god and gives it a proper name. But it is not Zeus but Cronos. You know, Zeus was the originator of the law of Minos. We can't use him, so we take the other, this god who loves men, who is philanthropic (713d6). And in this age of Cronos demons cared for men and men were perfectly happy. We must look to this rule of gods or demons as the model for our human polity. And in 713e, can you read that section of the long speech?

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[v] *Laws* 712e.

Reader:

> [Ath.:] In like manner the God, in his love for humanity, set over us at that time the nobler race of daemons who, with much comfort to themselves and much to us, took charge of us and furnished peace and modesty and orderliness and justice without stint, and thus made the tribes of men free from feud and happy. And even to-day this tale has a truth to tell, namely, that wherever a State has a mortal, and no god, for ruler, there the people have no rest from ills and toils— (713e)

LS: Incidentally, that is also a reminder of the *Republic*. You remember, in the *Republic* he says there will be no cessation of evils for the polity except—what does the *Republic* say? He doesn't say this here, but you will see that it amounts in the end to the same thing.

Reader: "and it deems that we ought by every means to imitate the life of the age of Cronos, as tradition paints it, and order both our homes and our States in obedience to the immortal element within us, giving to reason's ordering the name of 'law.'" (713e-714a)

LS: That is all we need. So in other words, the imitation of the age of Cronos, which had been brought in only by the question of "Which god?" tells us that the divine or the immortal in man must rule. And that is the mind, *nous*. What the *nous* says, dictates—that is or should be the law. Therefore the rule of god means the rule of law. At this point the Athenian Stranger must take issue with the alternative view of law, the same view which is presented in the First Book of the *Republic* by Thrasymachus. And that is from 714b to the beginning of 715a. And this view is here stated as simply as possible, just as in the *Republic*: laws depend on the regime. Democratic laws, progressive income tax, depend on a democratic electorate. And beyond the regime there is nothing; there is no standard which enables you to say that regime A is preferable to B. Surely, some arbitrary standards exist: for the common people a democracy is preferable; for a rich man oligarchy, and so on. Sure, but that is not in the eyes of the independent and earnest observer. Whatever regime that is established cannot be criticized by any other standards. All law is merely positive law—and then, of course, since every regime enacts laws with a view to its own advantage, what is called just is in effect the advantage of the ruling section, the advantage of the stronger. Against this view the Athenian Stranger asserts the common good of the whole city as opposed to the good of any segment. The clearest statement is in 715b2-4. If the common good of the whole city is not the end of the laws, there is no true regime and no correct laws. So if then the law in this sense—[vi]

—to d7 we find this for the first time, if I am not mistaken. So it is also not impossible that the sun is meant here.

Reader: [Ath.:] "With him followeth Justice always, as avenger of them that fall short of the divine law; and she, again, is followed by every man who would fain be happy, cleaving to her with lowly and orderly behavior—" (716a)

[vi] There was a break in the tape at this point.

LS: Now wait a moment. When he says "lowly," the Greek term is equivalent to the New Testament term for humility. I would translate this by "humble" and not by "lowly." But let us stop here for a moment. You see, when Aristotle speaks of this, of humility, it is for him simply a vice. I know very few passages in the classical literature in which humility is used in a positive sense. There are two passages in the *Laws*, if I remember well, and there is a passage in Xenophon's *Constitution of the Spartans*. That is also interesting—the most archaic thing in Greece, Sparta. And when Xenophon describes the Spartans, their lawabidingness and their obedience to their rulers, he also uses the word humble. The argument here is unusually strongly imbued with religious feelings. This runs through the whole sequel. Let us see: in 716d1-2, here he says the "moderate man." There is a certain kinship between moderation as the Greeks understood it and humility. You can express it in English by inserting a link: modesty. The Greek word which I translate "in moderation" is especially applied to women. That is the chief virtue of women, according to the Greek view: to be reserved, to be silent, and this kind of thing. Now we have had humility to moderation, and then later on (in 717a3) he speaks of pious; and then a little bit later on, of piety.

So we can summarize this part of the argument as follows. The true city is a theocracy—the rule of god, not the rule of men, and its spirit is that of piety. That is clearly the suggestion here, and that seems to be the answer to the question of the best regime: the theocracy. That this is not Plato's last word on it—you need after all a more technical answer, i.e., which human beings are to rule—[as] we will see later when he comes to the human polity proper. But it is by no means irrelevant that this statement is made here. Sir Ernest Barker[vii] has said, not without reason, in his analysis of the *Laws,* that this is the beginning of the Middle Ages. There is something to that. It is not sufficient, but it is true. That is also one of the reasons why quite a few people detest the *Laws* so much. I have heard horrible things said, and read them, about the *Laws*, i.e., that it doesn't sound Greek. But it is very Greek nevertheless. But you had a question.

Student: I was just wondering if you could elaborate a bit on the whole relation for Plato, in the *Laws* for example, between the law and reason and the constant appeal or linking up of these things with religion and the gods. I don't think this is simply a subterfuge to appease his listeners.

LS: Surely not. I will try to state it as simply as possible: Plato did not believe in Zeus and Apollo. I am sure of that, although to prove it is not so easy. But I am satisfied that he did not believe these things at all. But, on the other hand, that there must be reason, rationality, above man, beyond man, that also was Plato's serious conviction, so that Plato had to speak of god seriously. But we must again beware identifying the god in whom Plato believed with the biblical God. That is an entirely different story. In the Tenth Book we will find a developed doctrine of particular providence, but to what extent Plato meant that literally is another question. But that Plato was certain that there is a fundamental difference between soul and body, and then, even more important, a difference between mind and soul, and that the whole universe had an intrinsic rationality

[vii] Sir Ernest Barker (1874-1960), British political scholar and theorist.

which man discovers and does not impose upon it by his scientific method—there is no doubt about that. The difficulty is this: Plato was sure that the popular beliefs in the gods were an important social bond. Of course, this fact did not make them true beliefs. And his whole presentation, I would say, is characterized by the fact that to some extent and in one sense he surely is a theist, but he is not always a theist in the way in which he expresses something. I think it would all turn around one simple question, the question of particular providence: the question of divine reward and punishment turns around particular providence and not general providence. And that is, I think, the crucial question regarding Plato's theology. We will get one important specimen, perhaps the most important utterance of Plato on the subject, in the theology of the Tenth Book. We will discuss that at that time.

Student: But I was also thinking along other lines—that somehow for Plato there is an essential link, although this would might be too strong, of dependence of philosophy on theology.

LS: No, that is impossible for Plato.

Student: I know that is so almost by definition. But it seems that in all the key passages, particularly as regards things political, this reliance is more than just a salutary lie.

LS: No, that would be too simple. While Plato does not believe these myths, they nevertheless represent something. They are not wholly arbitrary inventions. The wholeness of the polis, the idea of the common good, is a reflection of the truly natural wholeness binding together the whole. In this sense that is surely true. Of one thing one must beware. I know that Wild,[viii] in his book on Plato's theory of culture, tried to understand Plato as a kind of Greek pagan Thomas Aquinas. This is of course impossible. That Plato defers to a supernatural theology beyond his philosophy is out of the question. For Plato, all the stories about the gods and everything referring to prayer, ritual, and so on, would be subordinate to philosophy. There is no question about that. That this philosophy is in a sense in itself religious he shows by the remark that philosophizing means to assimilate oneself to god. This is clear. Only the question arises always: What does Plato mean by a god? Is Plato's god, to use the famous expression, a personal god? This is a great question. The highest principle is called, on the one occasion that Plato uses an expression for it, the idea of the good. Quite a few people say that of course this is God. But it is not so clear as all that; it would require a very long study of Plato to decide that. The *Laws* supply us with some material for studying the question. Whether it is sufficient for resolving it is another matter.

Now the argument proceeds from here as follows. Now after he has given the answer to the question of what the best regime is—theocracy—he turns to the question of the essential laws. The transition is as follows. Not everything which we want regarding piety, humility and so on can be laid down in the form of law. Laws are not sufficient for

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[viii] John Daniel Wild (1902-1972), American philospher, author of *Plato's Theory of Man: An Introduction to the Realistic Philosophy of Culture* (1946).

everything; laws must be preceded by preludes. That is the theme of the rest of the Fourth Book. And in the light of this discussion, this long speech which we have read here is the prelude to the whole code. The interlocutors are not aware of it, but in retrospect this speech becomes the prelude to the whole code. Now let us begin here with 719b9-10 (page[8] 305), which in a way is the beginning of this whole discussion.

Reader:

> [Ath.:] "Now did we not hear you saying a little while ago that the lawgiver should not permit the poets to compose just as they please? For they would not be likely to know what saying of theirs might be contrary to the laws and injurious to the State."
> [Clin.:] That is quite true.
> [Ath.:] Would our address be reasonable, if we were to address him on behalf of the poets in these terms? (719b)

LS: What he is doing now is to remind us first of the provisions of the Second Book, according to which the poets have to be subordinated to the legislator. The poets have to present that content which the legislator lays down. They have to do it in a form which they alone can produce and of which they alone can judge properly—the artistic form. That is their business and there they are free, but the content is laid down by the legislator. And now at this moment Plato (or the Athenian Stranger) begins to plead to the legislator on behalf of the poet. What is the meaning of that? Obviously the poet's status is to be improved, otherwise we could leave it at the old verdict. Why is it necessary for political reasons, for the best of the city, to give the poets a different status? Let us read the next speech of the Athenian.

Reader:

> [Ath.:] "There is, oh lawgiver, an ancient saying—constantly repeated by ourselves and endorsed by everyone else—that whenever a poet is seated on the Muses' tripod, he is not in his senses, but resembles a fountain, which gives free course to the upward rush of water; and, since his art consists in imitation, he is compelled often to contradict himself, when he creates characters of contradictory moods; and he knows not which of these contradictory utterances is true. But it is not possible for the lawgiver in his law thus to compose two statements about a single matter; but he must always publish one single statement about one matter." (719c-d)

LS: The legislator must speak clearly and unambiguously. He must not contradict himself. But the absence of contradiction is not enough; he must also speak unambiguously. The poets speak ambiguously to the extent that they contradict themselves. Now, why do they contradict themselves? Two overlapping reasons are given. The first is that they are divinely inspired: they don't know what they say, but it just comes out of them without any reflection on their part. The second point, however, is that they imitate; and since they imitate different people or the same people in very different moods, and express this with equal facility, they contradict themselves. That is a very massive statement, because one could rightly say that when Shakespeare presents

Julius Caesar and Brutus, Shakespeare does not contradict himself if Brutus contradicts Caesar or vice versa. That is clear. But still, in one part the Athenian Stranger is right. How do we know what Shakespeare thought about a question where Brutus and Caesar differ? If you have only the plays of a man, how can you know? That is a real problem. Now why is this important for legislation? Let us read the sequel.

Reader:

> [Ath.:] "Take an example from one of your own recent statements. A funeral may be either excessive or defective or moderate: of these three alternatives you choose one, the moderate, and this you prescribe, after praising it unconditionally."

LS: "Simply" would be better. The term "simply" occurs all the time: simply versus doubly. The legislator must make simple statements. But simple statements are not enough; we need double statements, and there are two forms of that "doublicity": the simple, external doublicity, i.e., the prelude (the rationale of the law) and the law. There can also be a doublicity within the rationale. That is the difficulty.

Reader:

> [Ath.:] "I, on the other hand, if (in my poem) I had a wife of surpassing wealth, and she were to bid me bury her, would extol the tomb of excessive grandeur; while a poor and stingy man would praise the defective tomb, and the person of moderate means, if a moderate man himself, would praise the same one as you. But you should not merely speak of a thing as 'moderate' in the way you have now done, but you should explain what 'the moderate' is, and what is its size; otherwise it is too soon for you to propose that such a statement should be made law." (719d-e)

LS: In other words, this very simplicity makes it a bad law. If we say that only moderate funerals are permitted, then anything is possible. Here we see the poet instructing the legislator. This is a very simple example. He instructs the legislator. Why can he instruct the legislator? What enables him to instruct the legislator?

Student: If anyone, he is experienced in such presentations.

LS: But to take it more simply.

Student: Because he has a knowledge of rhetoric and what is involved here is speaking clearly.

LS: But still more simply.

Student: A knowledge of man.

LS: Yes. He sees this rich woman and that poor, stingy fellow, and the man of moderate means and moderate habits. He sees them clearly. Every legislator worth his salt would

know this elementary thing. But one must enlarge it to understand it. To be a first-rate legislator you must know the nature and habits of man. See the end of the First Book of the *Laws*. But who are the men, if we disregard the philosophers, who are completely out of place here, who know the varieties of natures and habits? The poets. So from this moment on the poets will instruct the legislators. The relation is radically inverted.

Student: I notice that here he speaks of the rich woman, whereas in all other cases it has been the man who possesses the wealth. Is this because the poet cannot be rich?

LS: The question which you raise is a necessary one, i.e., why is a woman presented as rich? What would you expect? I believe I can answer this, but I ask the apology of our ladies. I do not express my opinion but Plato's. Now when he discusses the decay of the best regime in the Eighth Book [of the *Republic*], who is responsible for the decay on the side of the individuals? He makes a parallel here: the polis and the individual. Who is responsible for the decay of the best regime as far as individuals are concerned? The good man's wife. Plato was so benighted as to believe that women are more concerned with externals, with appearance, with glittering things than men who despise these things. And thus, while a man would not say that he wanted a fantastic marble monument, his wife might very well say that she wanted such a thing, and perhaps even one for her dead husband. Now the central example here is the stingy fellow. That is rightly in the middle because which poet would present that case, the stingy fellow wanting a stingy grave?

Student: The comic poet.

LS: The comic poet, sure, because the first could be done in a beautiful ode, wholly uncomic. And the last is of course also not comic. So you see Plato does these things all the time with good reason. And then he forgets for a while about the poets altogether, in a way, and illustrates the situation by two kinds of physicians: the physicians who learn their art according to nature, i.e., according to the nature of the art, and those who learn it empirically, i.e., just looking at the operations, cleaning the test tubes, and other things. The ones are used for free men and the others are used for slaves, these empirics. Now how do they treat the patients? The latter, these empirics who treat slaves, simply command whereas the true doctors, those who treat free men, have a conversation with them. They explain to them why they give them aspirin and not Bufferin. And in addition, as he does not hesitate to emphasize in this passage, they learn from the sick. They ask the man: Where do you have pains, how long have they lasted, what other effects have you noticed? I don't know how things are in the armed forces in this country, but I was reminded of what I have seen of army physicians in other countries when I heard of this slave doctor who surely doesn't ask fine questions about the source of the complaint—they just tell the patient. And here the answer given is clear: the twofold procedure of the sophisticated physician is preferable to that of the empiric, the slave doctor. Now he illustrates this by the example of the first law to be given. Which are the first laws to be given? What would you expect?

Student: Marital.

LS: Did you expect that?

Student: Yes, from what went before in the First Book.

LS: Very good. That is a good explanation. That gives you a good Platonic authority, but what about the reasoning?

Student: [Inaudible]

LS: In other words, he does not begin with the funerals and the other things. He begins with the marriage. Now let us look at what he does in 721a9 (page 311):

Reader: [Ath.:] "Let us take the law in a simple form[ix] first: how will it run? Probably like this—"

LS: He says "perhaps in the following way." That disposes of a difficulty because the age, the minimum age of marriage, is given differently later on when he speaks as a lawgiver. Here he uses it only as an example. This has led people to think that Plato changes his mind and so on. But he says right at the beginning what he is doing.

Reader:

> [Ath.:] "A man should marry when he is thirty years old and under five and thirty; if he fails to do so, he shall be punished both by a fine in money and by degradation, the fine being of such and such an amount, and the degradation of such and such a kind." (721a-b)

LS: What do the lawyers say? Is that not a beautiful blueprint of a law? You just fill it in. Anyone can frame that law. Now how does he go on?

Reader:

> [Ath.:] Such would[x] be the simple form of marriage law. The double form shall be this,—"A man shall marry when he is thirty years old and under thirty-five, bearing in mind that this is the way by which the human race, by nature's ordinance, shares in immortality, a thing for which nature has implanted in everyone a keen desire. The desire to win glory, instead of lying in a nameless grave, aims at a like object." [(721b-c)

LS: What he omits is the word "for." He says everyone has this natural desire for immortality or fame. The desire for fame is the desire for immortal fame. Why does he give this reasoning? Why does he have to prove it—to prove the assertion that everyone has the desire for immortality? But let us read on.

[ix] In the Loeb: "let us state the law in its simple form."
[x] In the Loeb: "shall."

Reader:

> [Ath.:] "Thus mankind is by nature coeval with the whole of time, in that it accompanies it continually both now and in the future; and the means by which it is immortal is this:—by leaving behind it children's children and by continuing ever one and the same, it thus by reproduction share in immortality. That a man should deprive himself thereof voluntarily is never an act of holiness; and he who denies himself wife and children is guilty of such intentional deprivation. He who obeys the law may be dismissed without penalty, but he that disobeys and does not marry when thirty-five years old shall pay a yearly fine of such and such an amount,—lest he imagine that single life brings him gain and ease,—and he shall have no share in the honours which are paid from time to time by the younger men in the State to their seniors." (721c-d)

LS: I think we can leave it at that. That is the double formulation. It is double because it includes the law proper and in addition the rationale, the reason, of the law.

Student: Is the law itself simply "You shall marry between thirty and thirty-five" or is it also to include "or else you will be fined"?

LS: Both.

Student: The threat is part of the law?

LS: Oh sure. The threat is the harbinger of the compulsion. You could even say [that] whoever is not married at thirty-five years of age and does not supply a physician's certificate testifying to his inability to consummate the marriage, or something of the sort, will be fined with, say, a twenty percent tax.

Student: I thought this might be considered enforcement merely and not law as such.

LS: No, the threat is essential to it. But did you notice something? One duality is very clear: rationale and threat. But is there not another difficulty here, indicated by this strange "for" to which I drew your attention in 721c-1? Everyone has by nature the desire for immortality, and men cannot be immortal as individuals but only as members of the immortal human race. Man is coeval with time. You remember the beginning of the Third Book? There were always men as long as there was time, and there will always be men as long as there is time. No evolution. What is the difficulty here? Well, if we would stoop to such low things as psychology one could say, "What about Plato?" Was he married when he was thirty-five? He wasn't married at all. One can say, well all right, a man can be a bad fellow and yet can be an excellent teacher of virtue. That is possible to some extent. Really. You can preach the virtue of honesty, for example, and embezzle money. There have been such people. Therefore, why not regarding this? But it is a serious question apart form Plato's private life. What is the difficulty here? Why does he prove the fact that everyone has this desire for immortality? Why does he prove that?

Student: Well, I would suggest that is [how] one aims at immortality, leaving children behind is only one way.

LS: Yes. There is plenty of evidence, I refer you only to *Banquet* 208b, among other references where this is developed. There are three forms which that can take. There is the desire for immortality. First there is procreation: physical immortality, the genes, and so on. The second is the immortality of fame, where the individual survives as individual, e.g., the name of your ancestor two hundred generations ago you probably don't know—probably no one knows. Even in the very old nobility the question arises whether the same noble family is the same noble family. I had a French student whose name occurs in the records of the fifth and sixth centuries, but the trouble is that it is only the name, and he doesn't know whether it is really the blood. But Homer, on the other hand, survives up to the present day as an individual. And then there is a still higher one according to Plato: knowledge. To understand the eternal is in a way a union with the eternal.

The rationale, we can say, has a certain depth in itself, because the desire for immortality is the desire for procreation on the one hand and for glory on the other. The third is here not mentioned at all. We can state it as follows: precisely because not all men desire procreation by nature, the law is needed. Why would this have to be a law if this were the natural desire? So there is a certain hidden factor in the reasoning. The general reason given does not justify simply the law in favor of procreation. It justifies also a life devoted to the quest for immortal fame, and that is nothing which is of any concern to the lawgiver. But we must raise another question here. What has all this to do with the fact that we are still in the context of a statement on behalf of the poets?

Student: This is a poetic truth rather than a real truth that he is using to persuade them with.

LS: Yes. That is true. But perhaps one could state it as follows: that the poet as poet, on the highest level, addresses by one speech different audiences. And by different is meant at least two. This prelude, as Plato understands it, could only be written by a poet. This doesn't mean that it has to be written in meter; that is the least interesting thing.

But let us look at a few more passages. In 724 (beginning), let us read this speech.

Reader:

> [Ath.:] So then the prelude we previously composed concerning the gods and those next to the gods, and concerning parents, living and dead, was, as we now declare, sufficient; and you are now bidding me, I understand, to bring up, as it were, to the light of day the residue of the same subject. (724a)

LS: "As we say now." In other words, at that time it was not clear, or certainly not clear to Clinias and Megillus although it was clear to the Athenian, that this long speech about the gods was the prelude to the whole code. Now what will they do next? But this prelude is not followed by the laws regarding gods and parents. We have been told that the first

law is that regarding marriage. Whether that holds true or not we must see. But let us see what he promises now.

Reader:

> [Ath.:] Well, surely, it is both fitting and of the greatest mutual advantage that, next to the matters mentioned, the speaker and his hearers should deal with the question of the degree of zeal or slackness which men ought to use in respect of their souls, their bodies, and their goods, and should ponder thereon, and thus get a grasp of education as far as possible. Precisely this, then, is the statement which we must actually make and listen to next. (724a-b)

LS: That is said to be the next theme; we must see whether the promise is kept and to what extent it is kept. I have finished with my notes on this Book, but there may be quite a few points which you would like to raise. Is there a particularly difficult or strange passage which we did not discuss?

Student: Yes, he says the prelude must be a third requisite of law. But he in a sense identifies persuasion with prelude. And persuasion was also a requisite of law. In what sense, then, is the prelude different from persuasion, it is a separate requisite?

LS: And what would be the two others? What would be the other requisites of law?

Student: The threat, I suppose.

LS: Do you know the passage?

Student: Yes, although he doesn't tell us what the three are.

LS: Would you read it? Perhaps I overlooked it. Page 315, 722c:

Reader:

> [Ath.:] And I, my dear sirs, perceive still a third requisite which ought to be found in laws, but which is nowhere to be found at present.
> [Clin.:] What is it you allude to?
> [Ath.:] A matter which, by a kind of divine direction, has sprung out of the subjects we have now been discussing. It was little more than dawn when we began talking about laws, and now it is high noon, and here we are in this entrancing resting-place; all the time we have been talking of nothing but laws, yet it is only recently that we have begun, as it seems, to utter laws, and what went before was all simply preludes to laws. What is my object in saying this? It is to explain that all utterances and vocal expressions have preludes and turnings-up (as one might call them), which provide a kind of artistic preparation which assists towards the further development out of the subjects. (722c-d)

Student: And then he begins talking about the prelude in the next long speech.

LS: Yes. I cannot answer this question on the basis of the context because it would take too long to read that. But I have a suggestion (or a researchable hypothesis, as they say), namely, that the persuasion in the prelude is twofold. We have read the specimen of the prelude, and this specimen has a twofold meaning. The first meaning is the apparent meaning: the only way in which an individual can partake of immortality is through the human race by procreation. And an alternative was alluded to, but in no way developed because it was irrelevant for the law proper, and that was immortal fame. Now this is an inner duplicity. Now if we take this inner twofoldness of the prescription and add the threat, then we have three. There may be some difficulty based on the context, but I do not remember any at the moment. I had overlooked that.

But I think that from a broader point of view, disregarding the special status of the *Laws*, and thinking of Plato's thought as a whole, I believe that there is one thing of particular importance in the Fourth Book. And that is the rehabilitation of poetry, as one could call it. That the poets are autonomous not only regarding the form—that was already stated clearly in the Second Book—but also that the poets are not simply subject to the legislator, because they themselves instruct or may instruct the legislator. And then this leads up to a much broader question: What then is the difference between the poets and the philosophers? That this rehabilitation of the poets is made in the *Laws*—in which the other people present have never heard of philosophy, and that means practically every reader of Platonic dialogues—the question arises as to what is the relation between philosophy and poetry. Does not poetry fulfill the function of philosophy? Can it not fulfill it, and perhaps even fulfill it better? Today, as you know, among the people who are concerned with this sort of question this is a very serious question. And I believe that many sophisticated contemporaries of ours would give the edge to the poets. Especially is this so if you think of philosophy as logical positivism; then I think the poets win hands down.

But in the case of Plato, it is a bit different. Plato decided, and to that extent the external is true, that philosophy is superior to poetry—for example, the famous thesis of the *Republic*, also confirmed by many other things. But in what does the superiority consist? And what is it that poetry cannot do and philosophy alone can do? And why is this the highest? This is not so easy to answer, because the answer given in the Tenth Book of the *Republic* (which is the clearest statement in the *Republic*) is, if taken literally, absurd. The poets are imitators of imitators. They are inferior in wisdom to the carpenters, shoemakers, and whoever else there may be. That is the official answer, and it is an absurd answer. It can only be taken as an indication of the difficulty. One must first interpret that. Which imitators do the poets imitate? Obviously not cobblers, carpenters, and so on.

And I think the only answer which one could give which would be worthy of the theme and in agreement with what Plato indicates elsewhere is what Nietzsche says. What Nietzsche says explicitly about Plato is frequently very impossible, but he has been deeply influenced by Plato nevertheless and many things which he says in his own name, believing them to be his discovery, are due, I believe, to the not quite conscious influence of Plato. Now Nietzsche said the poets are artists, have always been valets of a morality,

of an established morality. That is what Plato means: the poets imitate that "truth," those opinions which the legislator authoritatively has laid down. He glorifies the ideals of a society merely because they are the ideals of a society. The medieval minstrel takes the chivalrous notion of love and glorifies it; he does not question it. And there are many other examples. Shakespeare takes the British monarchy at its best, accepts it, and glorifies it in his histories. This kind of thing. That is to some extent true, but only to some extent. I do not believe that this can be applied to the poetry on the highest level, and I think Plato knew that. Herodotus had said before Plato that Homer and Hesiod, so far from imitating ancient legislators regarding the gods, created the Greek theology. So the poets are not imitators of imitators but rather originators of such things, at least on the highest level. Now what then[9] the difference [is] between philosophers and poets becomes a very difficult question, especially if one considers the fact that for Plato, *the* theme of philosophy can be said to be the soul. And what are the poets concerned with? I am not speaking now of these people in California; I mean real poets. What is it except the soul? What is the difference? It is really difficult to say. And this is only an occasion, the Fourth Book of the *Laws*, to raise this question because here, as I say, a reversal of the judgment of poetry as it was made in the Second Book has taken place. His examples here are very simple, so that one can easily smile about them—e.g., this rich woman, the stingy fellow, the tombs—and yet if one reads these with some thinking, one sees what is going on here. The poet instructs the legislator. That is crucial. The humblest example is as sufficient for making that point as the most impressive examples.

[end of session]

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[1] Deleted "and."
[2] Moved "compete."
[3] Deleted "completely."
[4] Deleted "and."
[5] Deleted "that."
[6] Deleted "no."
[7] Deleted "easiest."
[8] Deleted "205."
[9] Moved "is."

Session 8: February 10, 1959

Leo Strauss: [i] [in progress] —statement of the subject matter of Book 5. You also alluded to or indicated certain difficulties in the presentation. Now, you noted that he does not go over immediately to the regime but discusses these conditions—the citizen body and so on. But he had already done so in the Fourth Book. Remember? I mean, I—

Student: Well, he assumed the citizen body was present.

LS: Let me first say . . . It is one of the deepest[ii] fictions of which men make use, because otherwise life would not be bearable, that everyone reads the assignment for each time, so I do not want to—you did?

Student: Yes . . . .

LS: I did not ask you, because I dislike spies. [Laughter] But still, if you did read Book 4, as you spontaneously said, then you must have become particularly aware of the fact that here something is repeated. And there never exists an identical repetition; there is always a change. Now what is the change here? On what is the emphasis in our Book when he speaks of the composition of the citizen body?

Student: Well, he emphasizes the matter of choice, and here we have—

LS: But of a certain choice he also spoke there. It is true; that is not wrong, what you say, because there Clinias simply informs him about that. But still, the Athenian uses that opportunity for discussing alternatives. And therefore, while practically there is no choice in the situation, the theoretical possibilities of choice are also developed there. But what is the difference? I mean, something very massive—something with which he is chiefly concerned in Book 5 and which is, to say the least, not chiefly concerned in Book 4.

Student: Let me guess again—choosing virtuous citizens. But—

LS: That is a formula which is very important, but which is also elusive. But what he is putting his finger on in Book 5 is the question of the rich and the poor. That played no role in Book 4. Now, and when you look later, when he discusses, in the further discussions of the Book there is also a very great emphasis on the problem of property. I think this problem was of course noticeable also on earlier occasions, but it comes now to the fore. And if you say the first laws should be those of procreation, as Plato says at least twice, that is perfectly true, but politically speaking—meaning, the crude political way—

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[i] LS comments on a student's paper, read at the beginning of the session. The reading was not recorded. The transcript of this session is based upon the remastered audiofile. It is the only recorded session of the course that has survived. Ellipses in this session indicate an inaudible word or words.

[ii] We are not certain that this is the word Strauss used.

the question of the rich and the poor is more pressing. You know? It is no accident, I think, that in the *Republic*, where he arranges in the Eighth Book the various regimes used there (there are only five there), oligarchy is in the center: the rule of the rich. And we have heard something about the rule of the rich in Book 4. Or was it—ya, I think it was in Book 4, or maybe Book 3. Oligarchy is the most stable regime. The transition to a good regime is more feasible from any other regime than from oligarchy, which is the great defect of oligarchy; but on the other hand, it implies also that it is unusually stable. He says there is a large number of powerholders in an oligarchy as compared with democracy on the one hand, and any monarchical rule on the other. Oligarchy is the rule of a few, as literally translated. But as Aristotle in his wisdom put it: it so happens that everywhere the rich are few and the poor are many, and therefore the rule of the few is in fact the rule of the rich. And that means that Plato is fully aware of this strange situation, that a society dedicated to virtue must give an unusual power to people distinguished not by virtue but by wealth, which is morally very indifferent, you know, there are good virtuous and vicious rich. But this hard and massive fact of wealth comes in as a deflecting and diluting factor necessarily, in Plato's opinion. Ya?

Student: Why is it that Aristotle says it is not oligarchy but democracy which is the most stable regime in the *Politics*? I mean, does that . . . he said that oligarchy is in danger both from the democrats and from within itself, whereas democracy is not.

LS: Ya. I do not know. Perhaps he means—that is by no means impossible in Aristotle, that he abstracts from other considerations and says [that] looking at this particular phenomenon, that in oligarchy you have both a division within the ruling class and the opposition of the demos, from this point of view democracy is more stable—because you cannot have overlooked the fact of Spartan stability compared with the much lesser stability of *the* democratic city, Athens.

Student: . . . the oligarchy in Athens had for 100 years, had a democracy except for one little break . . . oligarchy and many, many—

LS: Yes, but not in Sparta. That is a very legitimate question, but—

Student: Was Sparta really an oligarchy, I think that's the—

LS: Ya, perhaps he would say Sparta is not really an oligarchy; Sparta was a mixture of oligarchy and democracy and therefore for *this* reason more stable than democracy—but the democracy would be the most stable of the simple regimes. He could have meant that.

Student: But I still don't see the—

LS: Yes, but then the question is this. If you are right, and you may be right, and then the question—there is a clear-cut issue between Plato and Aristotle, ya? One would have to do justice to these two men, assuming that neither one says nonsense, of course. This issue comes in, on which Plato insists: the fact that in a democracy there are fewer rulers than in an oligarchy, as Plato contends. I mean, the demagogues are always very few.

How far this—I don't really know. I can't say; I am wholly unprepared for that discussion. But it is a serious problem.

The other point I would like to mention [about] what would have been possible to discuss in your paper is this. You did not stress strongly enough the fact that in our Book we find the only reference approaching explicitness, not explicit but approaching explicitness, to the *Republic*. So that the clear deviation is made at a certain point, and it is clear from the context that it is a deviation from the scheme of the *Republic*; and then therefore to bring up on this occasion the whole question of the relation of the *Republic* and *Laws*—that might have been possible, but we can do that later.

Now let us then turn to a coherent discussion, and first say a few words about the plan. Now you remember that we are now in the constructive part of the *Laws*. Books 1 to 3 were the critical part; Books 4 to 12 are the constructive part—nine books. It is a strange fact, to which you do not have to pay any serious attention, that in the *Republic* we have a similar distribution. We have one destructive part, Book 1, refutation of false opinions; and the constructive part consists of nine books. Classical scholars will immediately say that this is nonsensical remark because the distribution into books is post-Platonic. That may be, but we don't know. And in addition, we do not know whether, even if the formal distribution into books is post-Platonic, the questions would still arise whether the distributors did not follow certain indications which are implied in the book itself, and whether they followed a merely mechanical principle: such and such a number of what do they call—scrolls is one book, and more than that is—and so on. But at any rate, we are now in the constructive part of the *Laws* and we still are dealing, in about half of this book, with the proemium, the prelude to the whole code. That goes up to 734e, and thereafter he begins with what he calls the laws of the regime. And that goes up to the Sixth Book and perhaps even beyond. Now this prelude part, the prelude to the whole code, began in the Fourth Book, and there he dealt with the gods and the ancestors. And in the Fifth Book he turns to the soul, to the body, and the possessions. And then he turns to the qualities of the individual. The distinction is not very clear; perhaps we can clarify that when we come to that. And these two subjects are taken together under the heading the divine things, as such distinguished from the human things, the human things being pleasure and pain. This is the division of the section on the prelude to the laws. It is very mysterious; some of the things may become clear when we turn to the text.

Now at the beginning, where he indicates the subject matter, at the beginning of the Fifth Book, which follows immediately of course on the end of the Fourth Book, where you also find an indication of the subject matter. There is this order of subjects: the gods, the ancestors, the souls, the bodies, and property. And this is an order of descent, of course, and an order with a view to honoring: what has to be honored most comes first, and what has to be honored least, property, comes last. He distinguishes the right kind of honoring from the erroneous form of honoring, and especially regarding the soul, of which he speaks first. Now what is the erroneous kind of honoring the soul? That is not difficult to understand: to honor one's soul by hook and by crook, meaning whether it deserves this or not. Erroneous honoring of the soul is conceit. He enumerates altogether seven errors regarding honoring the soul (in 727 to the beginning of 728), and he concludes this

discussion with: true honoring of the soul, of course, means to honor the soul according to its desert and not by hook or by crook. And that is reduced to lawabidingness. Lawabidingness; that is, you honor your soul truly by obeying the law. What is the link? I mean, this is of course a very crude and sweeping statement, but what is the justification of this statement, the rhetorical justification—we cannot expect more—what is that? Why do you honor your soul truly by obeying the law, period? What is a more sensible statement regarding honoring the soul? Yes?

Student: I was going to suggest in answer that for all intents and purposes law is what declares what is right and wrong, a standard of desert.

LS: True honoring of the soul means making the soul virtuous. But if, and this is a big if, the rules which we have to obey in order to become virtuous are laid down by the law, then clearly honoring the soul consists in lawabidingness and nothing else. Good.

Now in this connection there is a remarkable passage which we should consider (728a-d, page 327). Let us begin with the second line on page 327.

Reader:

> [Ath.:] To speak shortly:— in respect of the things which the lawgiver enumerates and describes as either, on the one hand, base and evil, or, on the other hand, noble and good, if any man refuses to avoid by every means the one kind, and with all his power to practice the other kind,—such a man knows not that everyone who acts thus is treating most dishonorably and most disgracefully that most divine of things, his soul. Hardly anyone takes account of the greatest "judgment" (as men call it) upon evil-doing; that greatest judgment is this,—to grow like unto men that are wicked, and, in so growing, to shun good men and good counsels and cut oneself off from them, but to cleave to the company of the wicked and follow after them; and he that is joined to such men inevitably acts and is acted upon in the way that such men bid one another to act. Now such a resultant condition is not a "judgment" (for justice and judgment are things honourable), but a punishment, an infliction that follows on injustice; both he that undergoes this and he that undergoes it not are alike wretched,—the one in that he remains uncured, the other in that he is destroyed in order to secure the salvation of many others. (728a-c)

LS: We may leave it at that. Now this is a very remarkable statement. The translation is here a problem, but first of all the starting point is this (it is here not developed but is found in other Platonic passages): the distinction between the noble and the just. The necessity of the distinction appears from the fact of punishment most clearly: to undergo punishment is just, that is for certain, but it is not noble. It is never noble. So there are things which are just without being noble. That is here implied. But here the whole position is somewhat changed by the premise (where is that?) that in c2 to 3 the noble and the just are identical. Now if, as he puts it, the just is noble, meaning if everything just is noble, then of course punishment too is noble. If this is unqualifiedly true, it would also be a noble action on the part of him who undergoes punishment. But let us see what

he says here more precisely. The word which he translated by "judgment," is in the text the Greek word *dikē*. [LS writes on the blackboard] . . . The Greek word "justice" or "just" is derivative from that. *Dikaios* means just and *dikē* means justice. So justice has very much to do with punishment, so that Plato can occasionally, as in the *Gorgias*, use dikaiosune, justice, the word for justice, as an equivalent of vindictive justice, of punitive justice. Now what does he say here? True *dikē* regarding an evil-doing consists in the man's becoming similar to the wicked and in being cut off from the good. Now in becoming similar to the wicked he will do and suffer what the wicked by nature do to one another, both in deed and in speech. That is in b7 to c2. What the wicked suffer at the hands of the other wicked is punishment as distinguished from judgment, if I stick to that translation. Punishment does not do any good to any man. It doesn't cure or else it merely destroys. Punishment is not a cure for evil. That deviates from many Platonic statements more favorable to punishment, but this passage is all the more remarkable because of the other position because when one looks at the other passages more carefully, one sees that there is a problem there too. Now what is the problem? Do men become good by punishment as punishment? That is the great question. In the Platonic perspective, let us take a man who habitually steals, for example. And then there is punishment, jail or whatever it may be. He is punished or he sees others punished. What happens? What is the effect of the punishment in the case in which it does have an effect?

Student: The one who observes may become more careful.

LS: So that would be no conversion whatever, it would merely be an external adaptation to the punishment. He would not become a good man. But he who would become a good man, how would he become good after having been bad?

Student: Well, presumably by developing the opposite virtues.

LS: But more precisely. In the famous statements of Plato as to virtue, which are written large everywhere, virtue is knowledge. How would he become good? By realizing the badness of the action. This insight is a cure, but there is no essential relation whatever between this insight and punishment. That punishment has great practical advantages we all know, and I think we accept it without any squeamishness. But the question is whether a certain expectation from punishment, that punishment as such is the educative thing, is in itself not reasonable. This is a remarkable passage here. I don't believe it has an equal in Plato's writings in explicitness, and especially this remark that punishment is something which the wicked inflict on the wicked. That must of course be properly interpreted; as such it is a gross overstatement. What he means is this: that those who are not guided by insight, i.e., the wicked, react in a certain manner to the actions of others not guided by insight. Just hit back. That's punishment. Plato doesn't say that should not be done, but he only says you can't expect much from that. That is one of these hard rocks on which the ship of state necessarily sits, in spite of all its motions, just as property is another example: a certain irrationality which, however, is deeply found in the nature of man. Mr. Benjamin?

Student: The impact of this Book in particular of the *Laws* is that goodness is determined by, and bestness is determined by, obedience to law, not by education.

LS: It is the same. You see, that is from Plato's point of view the same because, in the first place, Plato knows very well—these trivial things did not need the genius of Aristotle to be discovered—that habituation is very important. And his simple formula "virtue is knowledge" is not a solution to a problem but a formulation of a problem. We have seen and we find today other reference to the importance of habituation. There is no question. So in the first place, by obeying the law you acquire certain habits of acting—not stealing, for example. In addition—that you acquire through law. Of course, if the law is foolish and bad, you will be habituated in badness, that is true. But let us assume that we have a tolerably decent law. You get only habituation this way, that is perfectly true. But how does the educative influence of law on the level of insight come in? And how did Plato provide for it in the *Laws*?

Student: Education from birth.

LS: That is too general.

Different student: I was going to say, is it not a persuasion?

LS: The preludes. That is the reason why he is so insistent on the preludes, the proemium or preamble to the laws. So you have not only the mere command—he who steals a sheep must stay in jail for such and such a time and give a restitution of so and so much—but in addition, there is an argument which shows to everyone how destructive of everything a sensible man cherishes theft is. I don't believe a very sophisticated argument is needed to show that theft is really destructive of a society. It requires only the simple reflection that if everyone would steal, who would work?

Student: The problem I was raising earlier was this. You suggested that the passage says that punishment cannot make a man good, that punishment can do only evil. But if you punish a man he becomes obedient to the law; whether or not I do it for a good reason, the only test for me will be the obedience to the law.

LS: That is not enough. The point is this: then you can still wish to steal and only say it is too hazardous. The conversion would only come from the insight, and this insight is brought about through our law here by its preludes, by the statement of the reasons why theft is to be punished.

Student: I understand this, but the problem is that a man could then appear to be a good citizen while actually being a bad man.

LS: Ya. That is unfortunately so, and Plato—did you ever read the Second Book of the *Republic*, where Glaucon describes this with great vigor? The most completely criminal man is admired as justice incarnate because he is such a first-rate hypocrite. Sure, that is a problem. And from here you understand immediately the importance of property. We

want a city in which the virtuous men predominate, that is the decisive thing. Then certain purely technical considerations [enter]. Needless to say, without some equipment, as Aristotle calls it, which means without some property, virtue in the full sense cannot be had. We don't see this so well today because we have so many foundations and so, and it is part of the full citizen's virtue to have some information about other countries. And that means traveling, and that means money. Now today, the foundations are there and therefore the problem no longer exists. But let us go back into that antediluvian age when there were no foundations, and then people had to have money themselves. So virtue in the fullest sense required property. Good. So our law that the virtuous should predominate means now in fact of course people of property. This property can be specified by law: say it must be landed property, or it must have been so long in the family, and all this kind of thing. But still, property is something different from[1] virtue.

Now, if you look at these two criteria, virtue and property, you make immediately one observation: that regarding virtue, it is very hard to judge, because you can't look to the heart. It is perhaps not so impossible as Glaucon presented it—he was a very young man—but still, it is difficult, and especially for officials it is very difficult to do that. So what do you do? You cannot easily recognize the virtuous. For example, if you would say that the virtuous are to step forth, from a file of men—well, it is hard to check. But if you say those who possess, say, one hundred thousand dollars or more, that is much more easily recognizable. Therefore in practice, aristocracy has a tendency to be an oligarchy of some sort. Ya? That was in a way the burden of the modern criticism of the Aristotelian-Platonic scheme, for example, in Machiavelli. And then of course the question arises, of course wealth does not have the respectability which virtue has, whatever our relativistic friends may say, because we know that in our everyday life we always act on the principle that virtue, or whatever the fashionable term for it today may be, is more important than wealth. But the point which I stress here is only this: that certainly Plato, but also Aristotle were aware of this difficulty that there is an almost inevitable bias of the rule of the virtuous, of aristocracy, toward the rule of men of a certain kind of wealth, not necessarily of any wealth. . . . To see who owns a landed estate of a certain size and who has owned it for such a length of time, that's easy. Every little official can do that by looking up the records of purchases and sales. But virtue is elusive, and in political matters that is a difficulty, that we need crude rules and we deal with an extremely elusive subject. And if I am not mistaken, that is the root of the troubles in which our positivistic friends are bogged. They try to get rid of the elusiveness by an altogether perfectly exact science, but by this very fact they take the life out of it. That needs a very long argument, but I would like only to mention it as an answer to this question for the time being.

I note now that in 728e5 there is a reference to humility again. I mentioned this before, but now it is in a negative sense. Then he goes on to speak of the mean, the mean regarding the soul, but also regarding the body and regarding property. That is the great theme here. There is in 729b to c a statement about education to which Mr. . . . referred in his paper which is perhaps worth reading.

Reader:

> [Ath.:] And let no man love riches for the sake of his children, in order that he may leave them as wealthy as possible; for that is good neither for them nor for the State. For the young the means that attracts no flatterers, yet is not lacking in things necessary, is the most harmonious of all and the best; for it is in tune with us and in accord, and thus it renders our life in all respects painless. To his children it behooves a man to bequeath modesty— (729a-b)

LS: Or a sense of shame.

Reader: "not money or[iii] abundance." (729a-b)

LS: Not gold. It is much more succinct in the Greek. Not sense of shame, not gold.

Reader:

> [Ath.:] We imagine that chiding the young for their irreverence is the way to bequeath this; but no such result follows from the admonition commonly given nowadays to the young, when people tell them that "youth must reverence everyone." Rather will the prudent lawgiver admonish the older folk to reverence the young, and above all to beware lest any of them be ever seen or heard by any of the young either doing or saying anything shameful; for where the old are shameless, there inevitably will also the young be very impudent. The most effective way of training the young—as well as the older people themselves—is not by admonition, but by plainly practicing throughout one's own life the admonitions which one gives to others. (729b-c)

LS: Let us stop here for a moment. I think Plato hits the issue between progressive education and authoritarian education exactly between (what was the phrase, between . . .)—he hits it on the nail.[iv] You see how little he was an authoritarian in the vulgar sense of the term, and on the other hand, one couldn't express this more strongly than he does when he says the old must have reverence for the young, which seems to be the opposite of all old-fashioned authoritarianism, but he doesn't draw the conclusions which progressivist education . . . . Now this remark was made in the context of the subject [of] possessions. That is quite interesting. What does this mean here? What are the possessions of which he speaks? He spoke here of children, and then he speaks of relatives, thereafter of friends, then of fellow citizens, and finally of strangers, and then of suppliants. In a way these too are[2] men's possessions. You know: my child, my friend, belongs to me—and then by my fellow citizen, and then by plausible enlargement, then also the opposite of the fellow citizen, the stranger; and he goes on to the suppliant. He does not speak here of the individual yet. We shall see this later. He still speaks of the man and his possessions. You see that he refers to gods in the case of blood relations other than children, as well as speaking of strangers and suppliants. In other words, in all these cases in which the natural affection cannot be sufficiently trusted—in the case of

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[iii] In the Loeb: "not money, in abundance."

[iv] "Hits the nail on the head" is the common phrase in English.

the children, generally speaking, the natural affection is enough, but not in the case of other blood relations. Think of divisions of property among brothers and all this kind of thing, to say nothing of cousins, and so on. He refers to Zeus only in the case of strangers, where there is [the] least natural love, because here is a certain community among fellow citizens, a community of interest. Where there is the least natural love is where there is the greatest need for divine sanctions. This whole passage is a remarkable specimen, I think, of Plato's admonitions or exhortatory speeches altogether.

In 730b we find a transition to a new subject. Let us read the beginning.

Reader: [Ath.:] "As concerns a man's social relations—"

LS: "Social relations" is of course not there. But all right.

Reader: "towards his parents, himself and his own belongings, towards the State also and friends and kindred,—whether foreign relations or domestic,—our exposition is now fairly complete. It remains to expound next the character which is most conducive to nobility of life—" (730b)

LS: Let us see this. The following subject is as a man of what character, of what quality, he himself would spend his life in the most noble manner. This "he himself" is, I think, the crucial point, and he is now more concerned with the character of the individual in himself. He makes clear in the immediate sequel that this will deal with the subject which is trans-legal, which cannot be provided for by law, but rather by praise and blame. So one can say that is more moral than legal. And he gives here another order[ing] of the good things: first, truth; second, justice; and third, taken together, moderation and practical wisdom. Of special importance to us is the section on justice, this is in 730d2-7.

Reader:

> [Ath.:] He that does no wrong is indeed a man worthy of honour; but worthy of twice as much honour as he, and more, is the man who, in addition, consents not to wrong-doers when they do wrong; for while the former counts as one man, the latter counts as many, in that he informs the magisrates of the wrongdoing of the rest. And he that assists the magistrates in punishing, to the best of his power,—let him be publicly proclaimed to be the Great Man of the State and perfect— (730d)

LS: So in other words, here we have an entirely different view of punishment. The man who punishes in a large scale and as a private citizen, is available for the law enforcement, for performing also regarding criminals, is the great and perfect man in the city. That is the other aspect of the problem of punishment. You see here [that] he mentions truth, justice, and third, moderation and practical wisdom. He omits one of the cardinal virtues: courage, manliness; and we see immediately why. Or must we spell that out to be sure whether we see right away?

Student: . . . .

LS: But why does he take it out?

Student: Probably because he doesn't want the censors quarreling with the lawgiver.

LS: Well, the defects of courage have been pointed out so much [3]that every gangster possesses courage in the vulgar sense of the word that we don't need this sort of information anymore. But it has here a clear meaning in the context. If the perfect man as described here is a large-scale punisher. You could know this from any TV show dealing with the subject. This requires a lot of courage. You know? Think of the fellow coming out of jail and now bent on revenge and the people who are afraid of him. But here and there someone faces that ex-convict. I give you only one of the many experiences I have had through this medium. So courage is—what he implies here is this. The most noble use of courage is this one: to stand up for the enforcement of justice within one's community.

Student: You arrive at this on the basis of the fact that he left it [courage] out.

LS: There must be a reason why he left it out, if he has all the other cardinal virtues here. He has truth here, that is right. But still, I would say it is more natural to say that courage is implied in justice than to say that truth is the substitute for courage. You remember that in one earlier statement of justice, it was said that these and these virtues come together that constitute justice, and courage was one of these. That is part of a justification. There are other remarks on this subject here in 731b to c. Every man must be spirited. Can you read that?

Reader:

> [Ath.:] Every man ought to be at once spirited[v] and gentle in the highest degree. For, on the one hand, it is impossible to escape from other men's wrongdoings, when they are cruel and hard to remedy, or even wholly irremediable, otherwise than by victorious fighting and self-defence, and by punishing most rigorously; and this—

LS: May I only say one thing. You see here there is a connection in Plato, here and in the *Republic*, between courage and spiritedness, courage being the virtue of the spirited part of the soul. Good. Continue.

Reader: "and this no soul can achieve without noble passion or spiritedness." (731b)[vi]

LS: Spiritedness, ya. Incidentally, it is important to see that he speaks here of noble spiritedness. This disposes of the great difficulty we have in the *Republic*, where spiritedness as such is praised all the time and this simply does not make sense. The praise can be awarded only to a noble spiritedness and not to spiritedness as such. To take

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[v] In the Loeb: "passionate"
[vi] In the Loeb: "noble passion."

a very simple example, if I desire, say, my neighbor's donkey and I don't get it, and I get angry about it, this anger is not a bit more noble than my original desire.

Student: Could the introduction of truth as one of the primary virtues of the citizen be due to the fact that he is directing this to the citizen and not to the lawgiver? In other words, the lawgivers, this may not be so high for the lawgiver as for the citizen.

LS: You are referring to the problem that courage is absent and truth is present in that list of virtues?

Student: Yes, particularly the . . . .

LS: Can you restate again why, I didn't quite follow you. What does it bespeak, in your opinion?

Student: The particular importance of truth in this presentation of the virtues is due to the fact that this particular . . . is aimed at the citizen. If it were aimed at the lawgiver, truth would not be given such a high rating.

LS: That is a hard question. After all, the least one would have to say is [that] it is addressed to some citizens. Because the citizen as citizen is surely inferior to the lawgiver. But I believe that we will get a solution to that if we are only a bit patient. Now let us go on where we left off, in 731c.

Reader:

> [Ath.:] But, on the other hand, when men commit wrongs which are remediable, one should, in the first place, recognize that every wrongdoer is a wrongdoer involuntarily; for no one anywhere would ever voluntarily acquire any of the greatest evils, least of all in his most precious possessions. And most precious in very truth to every man is, as we have said, the soul. No one, therefore, will— (731c)

LS: "The most to be honored" would be a more literal translation. Do you see a difficulty here in this sentence, in the light of what was said earlier? Yes?

Student: Earlier he has said that the soul came second.

LS: Third, even, sometimes.

Student: In the very beginning it seemed to come third.

LS: Ya, sure. So there is really a change of orientation taking place. We will come to that later. Yes?

Reader:

> [Ath.:] No one, therefore, will voluntarily admit into this most precious thing the greatest evil and live possessing it all his life long. Now while in general the wrong-doer and he that has these evils are to be pitied, it is permissible to show pity to the man that has evils that are remediable, and to abate one's passion and treat him gently, and not to keep on raging like a scolding wife— (731c-d)

LS: Surely there is no distinction. The Greek word means woman. Why should wives be singled out? I protest, and there are other husbands here who would perhaps agree with me. But go on.

Reader: "but in dealing with the man who is totally and obstinately perverse and wicked one must give free course to wrath. Wherefore we affirm that it behooves the good man to be always at once spirited and gentle."[vii] (731d)

LS: Yes. you see here something else the famous Platonic doctrine: virtue is knowledge, vice is ignorance. All vice, all crimes, are due to ignorance. Now if this follows, the only proper attitude toward criminals is pity. You can't hate them, they don't know what they do. What follows? Now these evils are either curable or they are incurable. In the case of the curable, one can follow this pity to some extent. In the case of the incurable, one simply cannot allow the pity, one must be eradicated. Again, the crucial implication is [that] the conversion from vice to virtue can only be due to insight and not to punishment.

Student: I have a question Why must one be angry and show wrath in these matters?

LS: I appeal to experience, either in life or on the screen. People different from a certain type of criminals or detectives cannot kill in cold blood. Would you admit this as a plausible, researchable hypothesis?

Student: I will for the sake of the argument, but I don't think it is true. I personally believe that any human being is capable of killing in cold blood.

LS: That I don't know. I have seen some particular cases of cold blood—perhaps you are a better psychologist than I am, but that I don't know. But at any rate, let us assume that a good man—a good man, as he puts it, who knows that these people really don't know what they are doing—can't hate for this reason. But it is necessary to exterminate this mass murderer, for instance. How can they come into that mood to the extent to which they are willing to follow . . . ? Incidentally, that is a good Aristotelian teaching. . . . Good men must be able, on the proper occasion, to do this. And therefore the most proper occasion, the most massive proper occasion would be this: where you see a fellow shooting at everyone else and you simply get angry and shoot at him and he stops his business. But the main problem, again, is that of punishment. You see, the theme law and the theme punishment are of course not identical and not even coextensive, but they are very closely related. When we speak of laws which are really

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[vii] In the Loeb: "at once passionate and gentle."

effective, we use this wonderful expression, "laws with teeth in it." But what are laws with teeth in it? Which provide proper sanctions. That is almost punishment. So law and punishment are close subjects. And therefore, just as there is a problem with law—is a law reasonable or not, because only as reasonable does it deserve full respect—there is also the question of the reasonableness of punishment. To what extent are men made better, as we stated it before, by punishment?

Now then, he goes on to speak in the sequel, 731d, following, of the greatest evil. Now that is always an important point. May I make this suggestion? If you read a writer, one could perhaps say any writer—who is not completely irresponsible, of course—it is a good idea to see what does he explicitly call the greatest good and also what does he explicitly call the greatest evil, and then you have the most general orientation as to what he is driving at. And so a statement by Plato about the greatest evil is of course very important. But he doesn't speak here in 731d6 of the greatest evil simply, but the greatest evil inborn in most men. And that he calls self-love. To define self-love: self-love means preferring one's own to the truth. He doesn't say this is inborn in all men; there are people in whom it is not inborn. This subject is enlarged later: preferring one's own opinion—and of course not opinion about whether this dog is brown or gray; only foolish people worried about that—but rather about important subjects. Therefore preferring one's own opinions is identical with claiming omniscience, as it were. Omniscience means here knowledge of the most important things—not, to repeat, about matters of gossip. I think it would be very illuminating to contrast this passage with the biblical notion of pride, which is of course not inborn in man, according to the biblical teaching. Here this is inborn in *most* men. Some men are born without this kind of self-love and, if I am not mistaken, one of the reasons why Plato speaks of Socrates demonic thing is that Socrates was one of the rare men in whom this great evil was not inborn. That is not the only reason, but one essential characteristic of Socrates.

Now in 732d8 to e3, we can read that perhaps; there is a transition to another subject.

Reader:

> [Ath.:] Thus, as regards the right character of institutions and the right character of individuals, we have now laid down practically all the rules that are of divine sanction. Those that are of human origin we have not stated as yet, but state them we must; for our converse is with men, not gods. (732d-e)

LS: That is the transition. A beautiful phrase, isn't it? We converse with human beings and not with gods.[4] [What is] human is pleasure and pain. And what we must know . . . is not only what constitutes the noble life and that the most noble life is preferable, but also that the noble life is pleasant; because otherwise we will be torn all the time between nobility and pleasure. Then he discusses the alternative ways of life from the point of view of pleasure and pain, and raises the question [of] which of these various ways of life to choose from the point of view of pleasure. And he speaks in this context in 733e1 of law which a man may make for himself on the basis of the calculation of pains and pleasure. The translation is here misleading. It is based on a change in . . . 733, where is that? In page 145, where he says "has made it into a private law for himself." That would

be extremely interesting if this expression was to occur here, but if you look at the critical apparatus on page 744 you see that this is an emendation by a classical scholar . . . . But still, that he calls it nevertheless a law which men make for themselves on the basis of calculation of pleasures and pains is quite interesting. The whole problem of Bentham, by the way, at least so far as the calculation of pleasures is concerned, is here developed. But here the question is not the maximum of pleasure for the society but the maxim of pleasure for the individual. That is, indeed, the great difference.

Now four pairs of ways of life are contrasted in 733e. I think I will . . . . Mr. . . . was worried by that. [LS writes on the blackboard] Here we have the moderate and the opposite is here called the unreasonable. Then we get the reasonable, and that is confronted with the cowardly. How strange. And then we get the courageous, which is confronted with the intemperate. And finally, the healthy, confronted with the sick, sickly. You see that is very strange, and you see, Mr. Sasseen, that you must really think of the four virtues. It is a kind of schema which is always present and with which he plays around, and one must see what it means. It is a very unreasonable order, as you see. Now fortunately Plato, not only Plato, but Plato in particular, is an extremely decent writer. By this I mean that he rewards [you] if you read him carefully—not that you get a solution all the time, sometimes . . . but he . . . solvable. I, for example, cannot solve all of them in fact because of lack of knowledge, lack of imagination, lack of other things. But here in this case I can solve it, because in 734d we find a repetition, and here from this repetition it appears (I can only give you the result) that courage and practical wisdom are treated as interchangeable. That is already indicated here by making cowardice the opposite of reasonableness, or possessing of practical wisdom. And cowardice and unreasonableness are also interchangeable. Now what does he mean by that? We must never forget [that] Plato never gave such a clear and perfectly consistent presentation of the different virtues as Aristotle did in the *Ethics*. He gives a sort of sketch, and the most complete sketch is in the *Republic*, but which has great difficulties even in the *Republic*. And we have seen the difficulties in the various arrangements in the First Book of the *Laws*, and it goes through the *Laws* and all the other dialogues. What Aristotle says about the different virtues, incidentally, is known to Plato—that can be shown. But Plato played around with them, because there is a certain inexactness regarding these distinctions of the virtues which has a great plausibility for practical purposes, but is are not truly exact.

Now to come to the question at hand: What enables him to bring practical wisdom, which in Plato frequently stands for wisdom altogether, together with courage? This is not a unique occurrence, because in the *Republic* we have this arrangement: whereas justice and moderation are common to the whole citizen body, courage is left for an elite. Therefore courage has a higher status. And wisdom is also left for an elite, a still more respected elite. But that indicates also the particular closeness of courage and wisdom.

Student: Is it because a man cannot be wise unless brave?

LS: Ya. In other words, wisdom, at least in the theoretical sense, requires courage and also a special kind of courage, more immediately than the other virtues. I mean, that you

must be in a crude way moderate goes without saying. If you are drunk you can't think. And also if you are afraid of everything, your worries and apprehensions prevent you from thinking, that is surely true. But it is closer than that. A certain kind of courage is an integral element of the pursuit of knowledge. It has something to do with that.

Then he gives an argument which proves only that the moderate life is by nature preferable to the intemperate life, adding, however, the clause in 734b "if what he has said is correct." And then summarily he tries to show this regarding the three other noble and base lives which he has mentioned. Immediately thereafter there is another transition, 734e to 735a.[viii]

LS: —where the calculus comes in. And the calculus is complicated by the fact that there are certain very mild pleasures which can be had without pain and certain very powerful pleasures which require some pain, a greater pain. That is also a problem to be considered. What should you prefer, a rather even life, very mild pleasures and no pain, or great pleasures with a lot of pepper in them—pain? That is surely part of the whole problem of pleasure and pain.

Student: This is stated problematically here, I think.

LS: Where is it?

Student: In 733c to b, I think.

LS: 733b . . . . We want the lesser pain with the greater pleasure; but a lesser pleasure accompanied by a greater pain we do not wish. And then he speaks about the complication caused by multitude, magnitude and intensity. And this also has to be considered. Surely, is it not primarily clear that if you have a very intense pleasure of a very intense, for example, smell—an intensive smell of a rose—and on the other hand, you have a very mild one, is it not at least a problem which is preferable from the point of view of pleasure? You are thinking of Bacon's problem, ya? Bacon taking the side of Callicles versus Socrates? Yes, yes. But you see the problem was known to Plato. And in addition, Callicles himself proves that. Callicles states that the intense and violent pleasures are preferable to the placid pleasures. That is a question. But I think it is not more here than a statement of the problem.

Now let us read 734e to 735a, which is the other important transition here.

Reader: [Ath.:] "Thus far we have stated the prelude of our laws, and here let the statement end: after the prelude must necessarily follow the tune—"

LS: Because "prelude" is a term which was borrowed from music.

[viii] There was a break in the tape at this point. The passage Strauss calls for is actually read just below.

Reader: or rather, to be strictly accurate, a sketch of the *politeia*. (734e)[ix]

LS: Of the laws of the regime, of the political order.

Reader:

> [Ath.:] Now, just as in the case of a piece of webbing, or any other woven article, it is not possible to make both warp and woof of the same materials, but the stuff of the warp must be of better quality—for it is strong and is made firm by its twistings, whereas the woof is softer and shows a due degree of flexibility—from this we may see that in some such way we must mark out those who are to hold high offices in the State and those who are to hold low offices, after applying in each case an adequate educational test. For of State organization there are two divisions. (734e-735a)

LS: Let me restate that: there are two kinds of the *politeia*. One is the establishment of the magistracies, to each; the other are the laws which are given to the magistracies. That is a very important passage also, the whole problem of what *politeia* means, and that is paralleled by a remark in Aristotle's *Politics*. Now the first division in every order is this: magistracies, people who can command, can tell others to do this and that; and the laws, according to which they can command. That is a fundamental distinction. And of the two, as is indicated by this order, the magistracies take precedence. But now what about the magistracies themselves? Are they not established by law? Think of the arrangements in this country. And therefore is not law the overriding thing which includes the *politeia*? That would be a very natural objection made by us today. The implicit answer to this question given by Plato and Aristotle is this: On what does the establishment of the magistracies depend?

Student: Good citizens who don't—

LS: This applies to all regimes, not only the virtuous but the vicious as well. On what does the establishment of the magistracies depend? It means the question: Who can become a judge, who can become an executive? Yes?

Student: Could this be the principle of justice which is in the community?

LS: Yes, but on what does that depend? You are also speaking of every regime now?

Student: Yeah.

LS: The principles of justice which are law. But on what do these principles themselves depend? That is an interesting point you make. And that is one of the difficulties which we have in understanding Plato and Aristotle. You make one implicit promise, as you will see immediately, and that is [that] the society is first. First you have the society plus its values, as they say but as you correctly say, its principles of justice. And then, on the

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[ix] In the Loeb: "of the State-organisation."

basis of that, the legal order, the constitutional order emerges, which is of course in the first place a constitution regarding the magistracies, and then the specific laws which the magistracies are supposed to apply. But that is exactly the point which Plato and Aristotle question: that there can be a society preceding the regime, the political order. So from their point of view you have first the establishment, let us say, of the constitution, as we would say—that which speaks about the magistracies—and then the laws. But on what does the constitution depend? They do not say, but I will state it very crudely: on the distribution of power within the community, on the factual distribution of power within the community. Which kind of people factually predominates.

Student: It seems to me, you know, I can agree with you that they don't have a community apart from the political community, but, even granting this, I would say that even what you are saying, the factual distribution of power is also a factual distribution, I mean there is a sense of what is right and wrong.

LS: What Plato and Aristotle contend is this: that the principles of justice predominating in a community depend on this political fact. For example, there is a certain notion of democratic justice and there is a certain notion of oligarchic justice. See Aristotle's *Politics*. Good. Now these notions can exist, or at least are known even to people who live under absolute monarchs, but they are wholly ineffective there. They are effective in a democracy, the democratic polity. The oligarchic notion is effective in an oligarchy. Why? Their effectiveness depends on the existence of the democracy, in the one case, and of the oligarchy in the other case. The fundamental fact is not the principles themselves but that which makes possible their effectiveness, and that is the distribution of power. And that is the reason why, before he turns to the polity proper and to the laws regarding it, what now we call the constitution, he discusses the distribution of power in the community in this form: the rich and the poor—which is the knotty thing.

Same Student: And then the question I would ask is this: Can you have a distribution of power, can you speak of this unless you also have a regime in existence? In other words, I am saying that the separability here is arbitrary.

LS: But what does this mean? That in any analysis of social phenomena from Plato's and Aristotle's point of view, the ultimate which you reach and by going beyond which you no longer speak about this social phenomena, is the regime. The constitution, in the sense of the formulated laws regarding offices, that is secondary. The primary fact is the character of the society with regard the power, we can put it . . . to bring it closer to present-day language. That is the political fact. We can't go back beyond it without destroying the social character of the phenomenon.

Student: Agreed. But is not the character of the community in regard to power, what you call the basic political reality, is not this the same thing as saying the sense of justice predominant in the community?

LS: But why does it predominate? Why do these principles of justice, the democratic principles, let us say, predominate in society A, whereas the oligarchic principles predominate in society B?

Student: A person might say two answers: the first, by chance; and the other by some divine establishment.

LS: No, I think—let me see. Why do the democrats say "One man, one vote," or whatever the formula may be?

Student: Because they have been shaped to see this.

LS: According to Aristotle . . . . And the same applies to the oligarchs—that is, from their point of view, a sufficient answer to this question. Now the great question for them is how to find a society and to establish the precise character of the society in which the self-interest of the ruling element coincides with the common good of all men in the society. That is their problem.

Student: This sounds like Alexander Hamilton more than it sounds like Aristotle.

LS: But I'm sorry, read the Third Book of the *Politics*. And of course one also has to consider Books 7 and 8, where Aristotle develops this in detail. The solution to the political problem is one in which the ruling element is superior by human excellence to the ruled element, and not superior from the point of view of number, or from the point of view of wealth, or from any other point of view [of which] you might think. But the specifically political thing is that in Plato's and Aristotle's view it can in fact only be a part which can be ruling, and they would say that a democracy is in fact the rule, as a democracy, the rule of a part, namely, of the many. What we understand by democracy, and we mean something good by it, is of course that a democracy transcends that, that there are certain practical considerations which recommend democratic institutions, you know, but it is not simply a regime in the interest of the mere majority as majority. . . . there are also people who say that, naturally. But that would be a problem because then one could say: Why the majority?

Same Student: But to get back to this other point. What we are doing is talking about the beginnings, not so much the beginnings in time, but the essential beginnings. We are talking now about is *the* most fundamental. And what you have said is that this is the factual distribution of power—that this is *the* most fundamental. Now—

LS: That is the political phenomenon.

Student: Okay. Now the problem I have is this. If, in this actual power situation, each group sees its own interest—

LS: But the question is whether there are not cases in which the interest of a group is identical with the common interest. Now the objection which you can make is that there

is a lot of hypocrisy going on in Plato and Aristotle. That would be the typically modern objection. But still, if you take seriously what they mean, is not a group—let us take the extreme but clear case, a group dedicated to virtue. The self-interest of that group is virtue . . . . The group is constituted by the dedication to virtue. You can say that means rising so high that we lose sight of politics for other reasons (that is not now our question, but that is what they mean), whereas if people are dedicated to something other than virtue, in that case the self-interest is really this kind of bad thing of which Plato just spoke. The self-interest of the ruling group which is dedicated to virtue, to repeat, is essentially different from any other self-interest. But it has this character—why does Aristotle say all the time there must be a certain proportion between the physical or military power of those in sympathy with the regime and those opposing it, and all these other kinds of things? Why does he demand that in his city, which he describes in the Seventh and Eighth Book[s], there must be the armed men, the heavily armed men, and the men who have access to government, and the men who are the possessors of wealth, must coincide?

Student: All right. Perhaps we are in agreement after all.

LS: Is not this great? [Laughter] But one must not—the great difficulty when we speak of politics as distinguished from the merely private life is that we have to take into consideration certain crude things. Virtue itself is somewhat crude—for example, the mere linkup between virtue and wealth as it appears in the political connection is a good indication of that.

Student: . . . .

LS: But Alexander Hamilton is not such a wicked man.

Student: Oh, no [laughter], except his view, you have to admit, while it might have certain similarities is being told quite differently.

LS: One can simply say this. Alexander Hamilton, I believe, understood everything of Plato and Aristotle. He only did not make the clear distinction between virtue and wealth [LS chuckles], which Plato and Aristotle did. Which is not negligible, but on the other hand—it is very important, I believe. But on the other hand, the other things in Plato and Aristotle he understood very, very clearly.

Same Student: Okay, Now, when we have the coincidence of group interest, or however you want to put it, in the virtuous man with the common good. But now we are talking about the regime itself and the predominance of this in this regime. And was this not the question you asked: What causes this element to be predominant?

LS: Ya, sure. But then you give the answer—the Platonic answer, i.e., that depends on chance. The legislator cannot make himself a citizen body: he has to take it as it is given to him, and from this point of view that is a matter of chance. But that is, if I may use the language with which you are familiar, a metaphysical explanation of the fundamental

political fact. You go beyond the political as political by making this statement, which is perfectly legitimate, but within the political context it does not come up.

Same Student: So then we can say that within the political context *the* fundamental thing, or the first thing, is power.

LS: Ya, sure, but I would say distribution of power. Not to come into a wholly senseless discussion—that we find power also we know in private life, in classrooms, in industrial enterprises, and so on—but this power, which necessarily is public power, existing in broad daylight, adorned with the majesty of the public. If you mean this by power, surely.

Same Student: In the sense which you are talking here—transcending, standing outside this regime and looking down where the virtuous element has the power. And we can call this a regime, right, because it is a community in which this element predominates and their sense of justice then proceeds to order the community even further. All right, then the key to the whole thing, *the* fundamental law is not law but factual power in the political context.

LS: As a thinking man, you necessarily will go beyond that and raise the question, for example: Are the oligarchic or democratic principles of justice the true principles? And if not, what are the true ones? Which are the specific defects?

Same Student: In which case, then, are you still in the political? Or haven't you transcended the political . . . ?

LS: No, by raising, from the question of this particular regime here and now, the question of the best regime, I still remain within the political context. On the contrary, from Plato's and Aristotle's point of view you are really in a very narrow sense political if you absolutize the given regime here and now. You cannot have a proper judgment, political judgment, of a given regime without having a vision of the best regime, which Plato, by the way, makes clear in our context. We raise the question all the time that we must look at this perfection which we will not get, or otherwise we cannot diagnose properly what we have at hand.

Now we still have quite a few things to do. So he wants to turn to the laws of the polity, of the regime, but he doesn't do that. He turns first to a preliminary subject, which he calls the purge (that communist word, the purge) or the separation of the good from the bad. And the question he has in mind is the composition of the citizen body. The legislator, consider[ing] in perfect freedom, would pick the people. In the case of a fantastic perfection, he would pick only men who have the strongest inclination and gifts for virtue, and compose the society of them. But of course such a complete freedom never exists—but that doesn't exclude a certain influence. Let us be really practical. What do these people who have such a strong view in favor of the immigration laws to this country have in mind? They may give a wrong answer to that question. I am not sufficiently familiar with the issue. But the question is exactly the same as the question which Plato raises: How should the citizen body be composed? To some extent, that is

the general point, the legislator does have an influence over the composition of the citizen body—never that complete influence that he could turn around and pick future citizens of his city as . . . that, of course, never takes place. In this connection, you will see in 735d-8 to e-5, there is a brief passage.

Reader: [Ath.:] The best purge is painful, like all medicines of a drastic nature—the purge which hales to punishments by means of justice linked with vengeance, crowning the vengeance with exile or death: it, as a rule, clears out the greatest criminals when they are incurable and cause serious damage to the State. A milder form of purge is one of the following kind. (735d-e)

LS: And so on. So you see that is very important. The best purge is not the mild purge. Now the word mild—or "meek," used here—is used in an earlier passage synonymously with moderate, with this key word going through the whole book. The best purge is not the moderate purge. That is one additional reason why this combination of wisdom and courage, which includes also such things as killing, in the extreme case, is made here. You remember, perhaps, the earlier discussion we had about these three (these are in 627) schemes. You know the three schemes: the first order, extinction of the wicked; second, rule of the good over the wicked; the third, the reconciliation of the good and the wicked. And the reconciliation of the good and the wicked, that is what we call the rule of law. That is the mildest, there is no question, and the most humane. But it is also a problem, of course. Plato would in all practical cases advise the third one, because he was a humane man. But being a thoughtful man, he couldn't help reflecting on this problem; you know, sometimes the dissatisfaction with this compromise among the good with the wicked gets on people's nerves, and then you get outbursts of radical reforms—that the good should really control the wicked. The extreme form, the extinction of the wicked, is only a kind of utopia from this point of view. But we must keep this in mind throughout.

Student: Does this have anything to do with the Stranger's preferring a tyrant . . . .

LS: Sure. That has an obvious connection here.

Student: . . . tyrannic power . . . .

LS: Sure. That is the same problem.

Student: Not to be facetious, but do you think Stalin had this particular problem in mind?

LS: No, I don't believe that Stalin read Plato ever. [Laughter] I do not know. But this problem—now let me put it this way: that the good should be made dominant in a society—I mean these are, of course, wholly un-Marxist [ideas], never forget that. But if we look at it from the outside and say we interpret Marxism from our point of view and disregard dialectical materialism and all this sort of thing, then of course quite externally one could say that, that Marxism claims to establish the rule of the good over the wicked. To that extent there is a similarity of the problem, surely. But the question is only: What about this claim, the reality of this claim, the validity of this claim? And that is the reason

why Plato was in fact in favor of constitutional government, as we would call it, a moderate and humane form of government. But he did this with his eyes open. The compromise between the good and the wicked, which is a very tough formula but a very realistic formula, [but] it also states a very terrible problem. It is not only then the property—the crudification of virtue, by being allied with and becoming recognizable only through property, as I tried to state it before—it is also this more urgent thing, the traffic with evil, to use a moralistic expression. And not only as a casual thing, you know, should one deal with Tito and Franco, from different points of view, trafficking with evil. You know this sort of discussion; that is a mild issue, only here and now in a given case. But the question is whether political life as such does not rest on a fundamental concession to what from a strictly moral point of view would be called evil—and then that the law, paradoxically, protects evil. What a strange thing. And yet we all, I believe at least all moderate people, say yes. But still, it is a paradox. One must not be self-complacent about it, although practically one cannot change it. But one must see the expectations from the practical meaning of such theoretical reflections is that they influence decisively one's expectations from politics. If this is inevitable practically, something of this kind, then the expectations will be reduced, and we become cured from a certain disease of the soul which demands too much perfection on a level on which it cannot really be expected. That is, I think, the background of the whole thing. Yes.

Student: Which brings up the question then that the best purification, in other words, the best arrangement is not a political judgment.

LS: Of course it is a political judgment, but on deeper reflection it proves to be a wrong, namely, premature political judgment. A wrong political judgment is a political fact.

Same Student: But a wrong political judgment, then, cannot make it the best form of purification.

LS: But look, the good and the bad flute players (Aristotle's [example]) belong to the same genus. The good flute player is miles apart from the bad flute player, but the fact that they are both flute players is very important for understanding either of them. Similarly, a very wise political order and a very foolish political order are miles apart, and yet they belong to the same genus, say, political arrangements. That remains assuredly in the realm of political judgment.

Same Student: But the thing I mean is that if this is essentially bound up with the political, as you say, if this is true, then the best political purification can never be extermination of evil. That would mean the extermination ipso facto of the political.

LS: But if something which at a first glance may seem superior proves to be on reflection something marginal and in now— [LS writes on the blackboard], say, here, it still belongs to that. The consideration of that, the awareness of it, is essential for the understanding of political things and is immanent in it.

Same Student: This I undoubtedly admit. The only thing I'm arguing is the continuing judgment that this is the best thing, but it is unrealizable, you know: would that we could kill everybody who was evil. It seems to me that this can never remain, on this second look, as best.

LS: Surely not. Oh, if you mean that, surely not. That is quite true. That is quite true, therefore the consequences of that is that the best political solution is not the best human solution. Within politics there is a definite ceiling which cannot be transcended politically but which very well may be transcended by the individual in his own life. That is another matter. But this is, of course, of crucial importance. The understanding of the limitations of the political is perhaps the most important thing we can know about the political. Because . . . .

Now I would like to continue my survey. In the immediate sequel, he speaks of *the* pillar of the polis—pillar means of course not the edifice, it means only the foundation, not more—no conflict between the rich and poor. No creditor and debtor class, for example, and so on. The question of property, in other words, is the most fundamental problem here. But it becomes political. That is the difference between the economic interpretation of history, as it is called, and people like Plato and Aristotle, and quite a few later thinkers, that is really conceived of as the matter on which one has to act and not as the authoritative thing. The political is not a function of the economic, if we call that the economic; but the economic is the material on which the statesman has to act. That the statesman, the legislator is severely limited by the available economic situation is of course not denied.

So the question is then property. What is the right kind of distribution? And the first answer given is: the most equal distribution possible. The most equal distribution. You see how much Plato allows for the democratic principle. But that is also, I am sorry to say, only a stage in the process. He will modify that. And the answer is each citizen has a lot of land, land being the most important thing. And 5,040 citizens; 5,040 lots. The reasoning given is very simple: 5,040 is wonderfully divisible, and it is divisible by every number up to ten inclusive. And it it is divisible by 12, of course, and there are also factors which you can multiple . . . . And then we come to that great statement in 739 about the deviation from the *Republic*. The schema of the *Republic* is not as such rejected explicitly as impossible, but here he says we deviate from that. Why should we deviate from it? The answer given here is this: the members of the commonwealth of the *Republic* would have to be gods or children of the gods, and we deal here with human beings. This is of course an admission. You can say that Plato regarded the scheme of the *Republic* as humanly impossible, and that I think would appear from a closer study of the *Republic* itself. Now there are a few more points.

You see also one important point. When he describes the scheme of the *Republic*, he does not say a word about the rule of the philosophers. So when Aristotle in his criticism of Plato's *Republic* doesn't mention the rule of philosophers, he simply follows Plato. That is not an arbitrary disregard of Plato. The rule of philosophers is here disregarded, but here in the *Laws* it has a special reason. Philosophy is altogether disregarded. I do not

remember now a single passage where the word philosopher occurs in the original. I don't *know* it, but I can't recall a single passage. That the translator and the interpreters speak all the time of philosophy, that I know.

Now he speaks here of a first, second and third polis in this connection, at the end of this passage.

Reader:

> [Ath.:] Wherefore one should not look elsewhere for a model constitution, but hold fast to this one, and with all one's power seek the constitution that is as like to it as possible. That constitution which we are now engaged upon, if it came into being, would be very near to immortality, and would come second in point of merit. (739d)

LS: No, second in point of *unity*. In other words, the great recommendation of the *Republic* is that it is unified to the highest possible extent. And this would be unified in the second degree.

Reader: "The third we shall investigate hereafter, if the gods so will."[x] (739e)

LS: That has been frequently discussed. He says we will complete [it], if god wills. That has been frequently discussed, and I think the meaning is perfectly clear. What they will get in actual fact will be the third. The schema which is now developed in speech by the Athenian Stranger, that is the second best. But what Clinias will do will of course be below that. We can here for a moment reflect on —incidentally, the formula about the *Republic* is absolutely crucial and one cannot study that frequently enough. The scheme is described that it makes common even those things which are by nature private, in a way. Now this is very important. There are things which are by nature private. The most massive example is of course the body. My toothache cannot be shared. And also the pleasures as such cannot be shared.

Student: What about the first sentence in Book 5: "Of all a man's own belongings, the most divine is his soul, since it is most his own." [726]

LS: Yes, that is true in a way. But on the other hand, you see here also that eyes, ears and hands are induced to see and opine and hear and act. The common things, they become communal. Now what he has in mind, of course, is very familiar and well known to us today. The famous story that by propaganda people can be induced to adopt opinions, the same opinions, all. They have no longer opinions of their own. But other things he does not mention: he does not mention all parts of the body here. For example, think of pleasures and pains. To what extent can they be simply *physai idea*? But you see also that this can have another meaning. The soul, and especially the mind, is concerned with the common. The truth is by its nature non-private. It may in fact be private; that is another matter, but that is really accidental. The truth as truth is the common good. Now there are certain things which are by their very nature private and non-communicable, and the most

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[x] In the Loeb: "if God so will."

simple cases I think are bodily pleasure and pain. Bodily pleasures and pains. Even if people enjoy themselves together, they drink together and enjoy it, each man's pleasure is his pleasure. Take thinking as a simple case, i.e., mathematics. They study a mathematical demonstration together. They really think the same thing, the identically same thing, otherwise they wouldn't understand the demonstration. And that applies also to other theoretical subjects, although mathematics is the clearest case.

Now here we can reflect for one moment about the two characters of the *Laws* in contradistinction to the *Republic*: in the first place, communism in the *Republic*; the abolition of communism in the *Laws*. Private family and property are characteristic of the *Laws*. And the second point is no tyrannical establishment in the *Laws*. No tyrannical establishment. In the *Republic* you have in fact a tyrannical establishment, namely, you know, philosophers become kings. But what do the philosophers do? They expel everyone older than ten. Throw them out, rusticate them. That's a tyrannical act. And the last point: the scheme of the *Laws* is presented in the Fourth Book as the rule of law and, in the highest sense, rule of god; in the *Republic*, clearly the rule of philosophers.

Now after we have settled for private property it is made clear immediately afterward that there is no private property strictly speaking in the land, or not absolutely speaking. The land is entailed; it remains within the family. And the original distribution is meant to be for all times. But a great difficulty arises. One citzen, one plot. But what about the next generation? Nature does not act so kindly as to give one heir to one plot, but sometimes no heir and sometimes many heirs; and therefore a great difficulty arises, and the only limitation which is here suggested is, again, no purchase or sale of the plot. But it appears, I think, from the context that this can really not be avoided. There can be severe deprivation inflicted on the purchasers and so on, for example, loss of civic honors or loss of certain civic honors, but that remains a great difficulty, and herefore Plato is compelled to make this provision that a man can own more than his plot up to the fourth, up to four plots. But that maximum must be preserved. And so you of course get a division of the community into rich and poor and, as we shall see in the next Book, the polity makes allowance for that: the rich have a higher say in that community than the poor. We will take this up next time. Ya?

Student: Four times the amount of the plot would be not in landed property but in movable property. I think the prohibition against the selling of the lot is absolute.

LS: I really don't remember at the moment.

Student: One is allowed to acquire movable property.

LS: No gold and silver, but other things.

Student: The legal tender of the polis.

LS: Someone raised their finger?

Student: It is said in the remark that Sparta had had that law and that it was a complete failure.

LS: If you think it out, you can easily see what kind of complications it creates and that it must work very severe hardships in many cases. You know? And it depends also on the very simple point, for example, war: considerable loss of the male population of the next generation, and the girls remain around, and then heiresses in demand. And that was the great difficulty for Sparta, of which Aristotle speaks.

Now there are one or two other points which I should like to mention. The political recognition of wealth, this very famous statement in 744b to d. And finally, a word about this passage—one point we must not forget. At the end of the dialogue a great paradoxy comes out. The general policy of this commonwealth is the discouragement of trade in favor of farming. And yet at the same time something is encouraged which goes ordinarily better together with trade rather than with farming, and that is arithmetic. The mathematical peoples, the Egyptians and the Phoenicians, were trading people, especially the Phoenicians, rather than farming people. And that is the sense of the paradoxy which is very strong at the end of this Book. And this will lead later on in the Seventh Book to the education in mathematics which plays such a great role.

There are only two passages which I would like briefly to discuss. One is at the end of 745, where the paragraph begins.

Reader:

> [Ath.:] But we must not notice[xi] —that all the arrangements now described will never be likely to meet with such favorable conditions that the whole programme can be carried out according to plan. This requires that the citizens will raise no objection to such a mode of living together, and will tolerate being restricted for life to fixed and limited amounts of property and to families such as we have stated, and being deprived of gold and of the other things which the lawgiver is clearly obliged by our regulations to forbid, and will submit also to the arrangements he has defined for country and city, with the dwellings set in the centre and around the circumference,—almost as if he were telling nothing but dreams, or moulding, so to say, a city and citizens out of wax. These criticisms are not altogether unfair, and the lawgiver should reconsider the points that follow. (745e-746a)

LS: We can leave it at that. So this criticism is not altogether unfair. These grave restrictions of freedom which are imposed. Of course, we do not know precisely, however, what is the difficulty from Plato's point of view. You see, there is this very general and vague statement and they will be deprived "of gold and of other things," of which the legislator will evidently deprive the citizens. Which other things are included among them is not elaborated; one would have to go into that. That, I think, is the solution to this problem. Also to another textual difficulty here.

And the last point is only this. At the end in,747d, when he speaks of the natural conditions which have to be considered and where he refers to wind, water, and food,

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[xi] In the Loeb: "But we must by all means notice this"

which are bound to affect the character of the community, he addresses this very emphatically in d1 to Megillus and Clinias. And of course only Clinias answers. I wondered why Megillus is here also addressed in this way, and I could think only of one point: that in a very striking statement of Megillus in the First or Second Book, Megillus praised the nature of the Athenian: that the Athenians alone, he said, are good, excellent in a natural way and not in a conventional, artificial manner—if they are good. This may have something to do with that. But that we cannot settle now.

[end of session]

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[1] Deleted "the."
[2] Moved "too."
[3] Deleted "you know"
[4] Deleted "This."

Session 9: February 12, 1959

Leo Strauss:[i] [in progress] Now a few points. Testing, the testing of officials—is there really no indication whatever there in what it consists?

Student: An early book, Book 4, had mentioned that it was an educational test and also, as I mentioned at the beginning, it was a test of the individual all through his life. But I don't think that it is ever made clearer.

LS: I did not pay special attention to it because this was a very common practice in Greek cities, and you can learn, for example, from Aristotle's presentation of the Athenian constitution and other easily accessible sources what it meant. For example, such questions were considered: [first,] military service, which includes of course whether one didn't run away and lose one's shield; second, that you fulfilled your financial obligations to the city, paid your taxes, and so on; third, and very important, whether a man took proper care of the graves of his parents or ancestors. Surely other things would have to be considered, but this is only an indication of what that testing meant. You had to be a citizen in good standing from the most important considerations. That of course is only a kind of flooring: it is not the ceiling, the perfect citizen. You know, that is a grave question: you can easily find out whether someone was bankrupt or shirked his military duty, but whether he is truly a public-spirited man, that is a complicated matter.

Then you didn't comment on, but only stated, this remark that women are a greater problem in civic life than men. How come? Is this not odd?

Student: He did not elaborate on it, so I didn't. You have earlier suggested the reason I think. He says the women are frail, I believe that is the term. In any case, they are inclined to talk when men aren't around and sort of get together and then influence . . . .

LS: A kind of nuisance. But I believe we can perhaps take up this question later. But it is quite remarkable that it is the same Plato who in the *Republic* demands the full equality of the two sexes. Someone has to see how these things work together.

The last point regarding your paper is this. You rightly said that these basic needs or desires of men have to be controlled by fear, by law, and by true reasoning. That is what Plato said. I mention this because England, who is *the* commentator on the *Laws*, in his analysis of the Sixth Book speaks of fear, law, and philosophy.[ii] There is no reference to philosophy there, as we have said often before. And I am still waiting in my present

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[i] LS comments on a student's paper, read at the beginning of the session. The reading was not recorded. This session and the remainder of the transcript is based upon the original transcript.

[ii] *The Laws of Plato*, ed. Edwin Bourdieu England, vol. 1, 636.

reading for the first occurrence of the word philosophy. Hitherto I have not come across a single passage. If anyone has, I would be grateful if he would tell me.

Now first a word about the plan of the whole book, which on the whole you discerned correctly. The first part deals with the magistracies, and the second part deals with laws, i.e., with the beginning of the laws, because laws will not be the content for the rest of the work. Now regarding magistracies the difficulty arises to which you referred:[1] Plato treats the judges together with the magistrates proper, but he has a feeling that the judges are not simply magistrates. How did you understand that, this uneasiness about the simple subsumption of the judges under the magistrates?

Student: I think because they make decisions not only as to what the law is but as to the facts of the case, and in that they are making something other than the official type decision, which they also make.

LS: Yes, but a magistrate is not a legislator. For example, on the lowest level the policeman on the corner is a magistrate. He tells you not to walk on a particular street or not to park your car here. That is the low level of the magistrate's functions. What is the essential difference between any functions of telling people or forbidding or commanding, and the judge? Plato does not elaborate that. We are so familiar with the distinction between the executive on all levels and the judicial that we take it for granted.

Student: The judge punishes these others.

LS: He also commands, doesn't he? But what is the difference?

Student: The judge makes law in two ways. One, in applying general principles to specific cases he is bound, in a sense, to make law. But more profoundly, when he has to apply an existing principle of law to an exceptional case, in this case he may have to give a dispensation from the law in order, perhaps, to apply another principle of the existing law.

LS: I do not believe this is it. Plato makes a clear distinction between legislation and the judicial function. Any seeming lawmaking involved in passing judicial decisions would be essentially different from legislation from his point of view, surely. Does it not have something to do [with the fact] that in every judicial decision individuals are named? I mean, the policeman on the corner takes care of anyone, any car owner, etc., but the judge passes judgment always on individuals. The individuals may be a group of individuals, but that wouldn't affect the issue. I believe that is what Plato has in mind. But perhaps we find later on a more illuminating passage.

Now as regards the section on laws in the Sixth Book, I would say it consists clearly of three main themes, by which I do not deny the great variety of other themes to which Mr. ____ referred. The first is marriage, the second is slavery, and the third is common meals, especially for women—especially because that is the innovation suggested, and therefore the emphasis is on that. Now let us turn to a clearer discussion.

But first I must apologize for two remarks I made last time where I was not clear enough. The first was the question regarding that passage in 793 where Plato speaks of those things which are by nature private, and I had said this means the body. And you questioned that. But I can only say this. In the passage itself, Plato mentions only parts of the body. You can say that is not sufficient, surely: one has to consider the soul too. But one has to start first from the most massive fact: Why does he mention here only parts of the body among those things which are by nature private? And the second point concerns my somewhat extended discussion with Mr. ___. Now what Mr. ___ contended is that the polity cannot be the ultimate. Well, in one sense, it is of course true, and I believe I said this[2] [at] the time. The political life necessarily points beyond itself. It is not a closed circle; somewhere there is a hole, that is clear, and that is crucial for the understanding of Plato as well as of Aristotle, that there is such a hole. But that toward which it points [LS writes on the blackboard], the private life on the highest level is the speculative life. That is absolutely true. The modern notion is rather (of course not your notion Mr. ___, but rather the prevalent notion) that there is a kind of political system—something everyone admits—but they would say the hole is here. [LS points to the blackboard] This is society, the matrix, out of which it comes. This I should have made clearer last time. That is the difference. I mean that there is no complete, watertight, closedness of the political there is true, but it depends very much [on] where you see that important hole. I believe that the difficulty you had is connected with the following fact. Now this whole problem of the political, of the difficulty of the political can be stated as follows (and we will find some evidence for it today again): that there is an element of the essentially non-rational, or of what is against nature, in the political. To use a simple formula: in the political sphere the higher must bow to the lower. That is the paradox of the political. Not in every case, of course, but in principle. On the basis of revealed religion that is not so because there the revealed order, which from the point of view of the classical philosophers of course would be the law, is suprarational. Such a suprarational social order does not exist in Plato and Aristotle. Good. I think that is the root of our difficulty. But we will get some specimens of that today.

LS: Now let us begin at the beginning, or near the beginning at any rate, in 752a (page 395). If you read that.

Reader:

> [Ath.:] Yet, "with the hand on the plough," as they say, "there is no looking back." And so it must be now with you and me; for you, as you tell me, have given your pledge to the Cretan nation that you, with your nine colleagues, will devote yourselves to the founding of that State; and I, for my part, have promised to lend you aid in the course of our imaginative sketch. And indeed I should be loth to leave our sketch headless— (751d-752a)

LS: What he calls imaginative sketch is, more literally translated, our present (or the present) telling of a myth, *mythologia*. And later on, in the immediate following sentence, he speaks also of a myth of what they are doing. That is an expression which occurs more than once in the *Laws*, and also in the *Republic* if I remember well, as a description of the

best regime. Why can it be called a myth? I mean, if someone says: Well, that is a kind of urbanity, he deprecates what he is doing. That is not quite sufficient; there are other ways. For example, sometimes he speaks of the play or the game in which they indulge. Why does he call it myth? There is a stricter meaning to that. What is a myth? Or to what genus of things does a myth belong?

Student: Lies.

LS: Yes, but there are other lies. If someone says "I haven't stolen that," you wouldn't call that a myth, although it is a lie or may be a lie. Well, more generally, it is in the first place a speech; that is the genus. But it is a speech of something which is not, at least not as stated in the myth. Now any such blueprint is a speech of what is not. This society as depicted does not exist. There are some later references to that in 768 to 769 where the incompleteness of what they are doing is emphasized. Now this incompleteness means that of course, as stated, it is unworkable: it cannot be. Therefore, in a somewhat broader sense of the term "myth," in a justifiable enlargement of the meaning, one can very well call it a myth. Of course one would have to understand also the difference between this kind of myth and other kinds of myths. But that makes [inaudible]. Now since we are just at that, let us read the immediate sequel just as a specimen of that.

Reader:

> [Clin.:] I heartily approve of what you say, Stranger.
> [Ath.:] And what is more, I shall act as I say to—

LS: That is what the Athenian says?

Student: Yes, I was repeating it.

Reader:

> [Ath.:] And what is more, I shall act as I say to the best of my power.
> [Clin.:] By all means let us do as we say. (752a)

LS: You see, one can easily overlook these little things. What do we learn from them that we didn't know before? This question, of course, we can unfortunately never raise in the proper manner in this course because we proceed much too fast. But if one wants to understand Plato one must of course assume that he didn't want to fill lines—you see, he didn't get a dollar for a line so that he would simply want to fill it up. Now let us reflect here for one moment on this, only as a specimen, to see what this means. The Athenian says we must do the deed, which means here we must complete the myth. It is not sufficient to leave it as unfinished as it is hitherto. The Cretan, in his reply, uses another term which also means doing in a wide sense, but it is not the same term. He speaks of *poiein*, which is the root of the Greek word for poetry, as you know, for production in general. I do not pretend to be able to explain this passage, but one would have to start toward the understanding from this distinction which is made by the Athenian speaking of doing a deed and Clinias using a term which reminds us of poetry. But this only as an example of the infinite variety of things which we simply cannot even take notice of here.

Now he turns then near the beginning to the question of the law-wardens—more literally, the guardians of the law. The term reminds us naturally of the guardians in the *Republic*. This was an Athenian institution, just as were the four property classes of which we had seen last time. So that is of great importance for the meaning of the *Laws* as a whole. There are many more. If you would look up the commentaries—or even better, read Aristotle's *Constitution of Athens*—you could see how many Athenian things have been embodied here. The Athenian brings Athenian institutions into Crete. He does not come to Crete in order to find there the most perfect law. On the contrary, he improves Crete with Athenian means, but—and that is important—with old-fashioned Athenian means. These are the institutions characteristic of pre-democratic Athens, Solonic Athens, not of the Athenian democracy. And that is a major part of the whole work. To say this book is addressed primarily to Athenians and therefore Plato wrote a rather Athenian code imputes to Plato a complete absence of artistic sense. After all, the Athenianizing here must make sense within the dialogue. And therefore it means an old Athenian philosopher, who by some whims of fortune was driven to Crete, would of course not sit still there but do the best thing he could under the circumstances, and that would be—given such a fortunate occurrence that he meets Clinias and Clinias has this commission—[that] he would try to Athenianize him within the limits possible.

In 753b5, when he speaks now of elections, it seems as if the electors of voters must be bearers of heavy arms if they are not even knights. Now this is the Aristotelian definition of what he calls the polity. You know, in Aristotle's scheme there are six. It won't do any harm if I remind some of you: kingship/tyranny; aristocracy/oligarchy; polity/democracy. That is Aristotle's scheme. This is the good democracy, which means of course democracy based on a limited franchise, the franchise being limited to those who can equip themselves with heavy armor. So they must have some property. Plato seems to make a suggestion in this direction here, but later on in 755e and 756d we find references to the[3] light-armed as also voters. So it is in a way more democratic to that extent than Aristotle's polity is, although this doesn't mean that it is not very undemocratic in other respects. And this whole question of democracy comes up [4]particularly clearly in 756b-e, page 409, bottom.

Reader:

> [Ath.:] The *Boule* (or "Council") shall consist of thirty dozen—as the number 360 is well-adapted for the sub-divisions: they shall be divided into four groups; and 90 councillors shall be voted for from each of the property-classes. First, for councillars form the highest property-class all the citizens shall be compelled to vote, and whoever disobeys shall be fined with the fine decreed. When these have been voted for, their names shall be recorded. On the next day those from the second class shall be voted for, the procedure being similar to that on the first day. On the third day, for councillors from the third class anyone who chooses shall vote; and the voting shall be compulsory for members of the first three classes, but those of the fourth and lowest class shall be lot off the fine, in case any of them do not wish to vote. On the fourth day, for those from the fourth and lowest class, all shall vote; and if any member of the third or fourth class does not wish

> to vote, he shall be let off the fine; but any member of the first or second class who fails to vote shall be fined— (756c-d)

LS: Now do you understand the idea? What is it? Is it not very fair of Plato? The poor people are not fined and the rich people are fined.

Student: My interpretation of that is that he is more interested in having the richer classes participate in the elections, the higher classes, than the lower classes because he feels that their participation will be more conducive to good laws.

LS: In other words, that is a clear attempt to give a greater privilege to the wealthy, to assure the preponderance of the wealthy. There is no question about that. And Aristotle's remark in the Second Book of the *Politics* that this is an oligarchic, plutocratic scheme is by no means unfounded. This is shocking to us, naturally, and therefore we must hear how Plato justifies that. Now a bit later, the next paragraph.

Reader: [Ath.:] "The selection of officials that is thus made will form a mean between a monarchic constitution and a democratic—" (756e)

LS: You see the old idea of the mixed constitution, which we have discussed before. But this must be properly understood. That doesn't mean that you get a monarchic institution here. For example, one chief executive would be a monarchic institution—that is not the point—but the monarchic principle and the democratic principle must both be represented. And what is the democratic principle?

Student: Counting heads, etc.

LS: And what is the device, the simplest device, for getting that?

Student: The lot.

LS: The lot. Because the lot doesn't distinguish persons. What is the monarchic principle?

Student: The political justice, the sort of distributive justice.

LS: But what did he say in a former passage, which we discussed, that there were three considerations: freedom, strength and good sense. But what stood for the monarchic principle?

Student: Strength.

LS: Strength. So let us keep this in mind. Now read on.

Reader:

> [Ath.:] and midway between these our constitution should always stand. For slaves will never be friendly with masters, nor bad men with good, even when they occupy equal positions—for when equality is given to unequal things, the resultant will be unequal, unless due measure is applied; and it is because of these two conditions that political organisations are filled with feuds. There is an old and true saying that "equality produces amity," which is right well and fitly spoken; but what the equality is which is capable of doing this is a very troublesome question, since it is very far from being clear. For there are two kinds of equality which, though identical in name, are often almost opposites in their practical results. The one of these any State or lawgiver is competent to apply in the assignment of honours—namely, the equality determined by measure, weight and number,—by simply employing the lot to give even results in the distributions; but the truest and best form of equality is not an easy thing for everyone to discern. It is the judgment of Zeus, and men it never assists save in small measure, but in so far as it does assist either States or individuals, it produces all things good; for it dispenses more to the greater and less to the smaller, giving due measure to each according to nature—

LS: To their nature.

Reader:

> and with regard to honours also, by granting the greater to those that are greater in goodness, and the less to those of the opposite character in respect of goodness and education, it assigns in proportion what is fitting to each. Indeed, it is precisely this which constitutes for us "political justice"— (756e-757c)

LS: That is a difficult sentence to translate. One could also understand it as follows. I mean, either it is translated here this way, and then Plato would speak here of political right or political justice, and that would be a term which Aristotle uses in very important passages in the Fifth Book of the *Ethics*, also with reference to our problem. But it might also mean this: as far as we are concerned, the political (meaning what is politically wise) is always identical with *this* right, with this kind of justice. All right?

Reader:

> [Ath.:] which is the object we must strive for, Clinias; this equality is what we must aim at, now that we are settling the State that is being planted. And whoever founds a State elsewhere at any time must make this same object the aim of his legislation,—not the advantage of a few tyrants, or of one, or of some form of democracy, but justice always; and this consists in what we have just stated, namely, the natural equality given on each occasion to things unequal. None the less, it is necessary for every State at times to employ even this equality in a modified degree, if it is to avoid involving itself in intestine discord, in one section or another,—for the reasonable and considerate, wherever employed, is an infringement of the perfect and exact, as being contrary to strict justice— (757c-d)

LS: That is a crucial sentence. The equitable and forgiving would be a more literal translation. In other words, the humane, what we would call humane, is an infringement of the perfect and exact.

Reader:

> for the same reason it is necessary to make use also of the equality of the lot, on account of the discontent of the masses, and in doing so to pray, calling upon God and Good Luck to guide for them the lot aright towards the highest justice. Thus it is that necessity compels us to employ both forms of equality; but that form, which needs good luck, we should employ as seldom as possible. (757e-758a)

LS: That confirms what I said before: the political is not quite rational and can never be. A dilution of true justice is required. This dilution of true justice is due to necessity; it is a concession to humanity, as we would call it today, but it is a concession. The consequence is that the rank of the political will necessarily be lower. That is a quite remarkable passage. And the technicality of this is simply the use of the lot, which gives every citizen the same chance as everyone else. In that sense it is perfectly egalitarian, whereas the other provisions are nonegalitarian. But we still have not received an answer to this other question. The democratic element is represented by the lot. What about the monarchic element? Why should [there be] this proportionate justice, which gives higher honors to the better and less honors to the baser? That has nothing to do with monarchy after all. Now let us turn to 761e.

Student: Could I ask a question? Does this mean then that somehow, that justice is a thing, or a something or other which in its essence as a-human? In other words, it is not essentially bound up with human beings, I mean, in its very nature. When bound up with human beings it is then diluted.

LS: When I spoke of humanity, I meant humaneness. And humaneness is a certain virtue, *humanitas*, a certain human virtue in certain human relations. Now according to one definition of humanity, which I happen to know only from Thomas Aquinas but it may very well go back to Cicero, humanity is a virtue which comes into play in a man's relations to his inferiors. Now here the point is this. It is simple to say of course that justice is a human virtue pertaining to relations among humans. But justice in the highest sense, in the strictest sense according to Plato would consist in giving to everyone what is good for him—both goods and services, assigning goods and services. That would be a perfectly rational society. This is not possible for a variety of reasons; therefore we have to lower this demand. And therefore, for example, we say a just man is one who leaves another in the possession of what belongs to him by law. Whether it is good for him to possess it, whether he would not be better working hard than being a playboy, for example, is of no concern to us as far as justice is concerned. But there is a problem here, namely, the problem of the justice of the distribution of property. We disregard this problem for a very good reason, but it is the disregard of something very important. Therefore, we make a concession to the complex nature of man and of human relations. That is the humanity, but it is also a concession. And we have to see that it is a

concession, otherwise we are in danger of saying that is wonderfully just in every respect, yet it is not.

Student: The problem that was bothering me is that [in order] to be just, must not justice in its essence take into account this very complexity?

LS: That you can do. And it is extremely sober to do so; hence Aristotle's notion of justice is the one which you suggest. Aristotle says: I do not care about those considerations which go beyond the political/social; and accordingly he defines the various virtues. But even in Aristotle one can recognize the difficulties. In former times it was said that Aristotle was more civil, but not civil in the sense of politeness. He is political in his thought—that means of course also more political in his thought. And Plato faces the problem more clearly. Take the simple case of slavery, which Aristotle justifies on certain grounds; and as Aristotle states these grounds they are unimpeachable. But on the other hand, there is no way, no honest way, of going over from slavery as justified by Aristotle to the slavery actually existing, because only a tiny minority of men are as such idiots, as the natural slave as defined by Aristotle must be. In other words, these slaves, of whom Aristotle says that [they] are justly made slaves, are useless as slaves except in very rare circumstances—e.g., if you have the time to stand by him all the time telling him every move he is going to make. Only he is much stronger than you are, but[5] is not[6] [capable of reason.].

When Plato accepts slavery in this book, he makes it perfectly clear that it is a concession. Therefore this awful statement in the Fourth Book about the various titles to rule, in which slavery is in the center, has nothing whatever to do with considerations of justice. A polis needs slaves; and then the only question is how to get them [in] the most convenient way. If they come all from the same conquered tribe, that is bad, for very expedient reasons: they know each other from home, and this kind of thing. So you get them from different tribes. Plato admits much more than Aristotle the element of truth in what is called Machiavellianism.[7] Aristotle knows it but he thinks [that] the less said about it the better. This is very good pedagogically speaking, and I think he is to be commended for that, but since we are not only practitioners of the political art—if we are—but are also theoretically interested, we need a bit more. The same problem is present in Aristotle's *Ethics*, that he never gives the reason why the various virtues are good. He simply enumerates them and describes them, and that is a masterpiece without any question. But Plato, in the *Republic* and also elsewhere (although the general scheme is most visible in the *Republic*) tries to show why virtue is good and why there are these and these and no other virtue[s]. Aristotle takes the perfectly sound position to say that for gentleman, decent men, the question "Why should I be decent?" can never arise. In the moment you raise the question "Why should I be decent?" you have already ceased to be decent. But on the other hand, it is undeniable that it is a very legitimate theoretical problem to raise, but practically it mustn't be raised. Aristotle's *Ethics* and *Politics* are eminently practical books, whereas the theoretical problem comes in only at the fringe. Here and there in the *Politics* he says this question arises here, which is of no practical importance, but here we might very well take it up. So that I think is legitimate.

So I think that the practical judgment of Plato and Aristotle to any moral/political matter of any consequence would not be different, but the reasoning is different. Aristotle tries to preserve the self-subsistence of the moral/political to a much higher degree than Plato does. Plato speaks of the moral/political problem, one could say, always with a view to transcending that whole sphere. And therefore these artificial things—you know, when he[8] forces together temperance with prudence, and all this other artificiality which he does with his eyes open. Aristotle doesn't do that. Aristotle tries to keep within the element of sobriety, of ordinary civic sobriety, as much as possible. And I think one could say there has never been a man as sober as Aristotle. Think also of the famous story of the eternity of the world. I mean [the story] that man was always generated by man and the sun, as Aristotle puts it (the sun being needed for growth): that is a condition of sobriety. In the moment we consider the possibility of man, of the human race, having come into being, and therefore of the first man either in the biblical sense or the sense in which modern science teaches it, something absolutely outlandish, transcending all possibility of sobriety enters. One could illustrate this in many ways. And Aristotle really tries to make the world fit to live in for sober people. He does this with a consistency and an energy which is always the subject, the legitimate subject of admiration. The only trouble is that it doesn't quite work. It doesn't quite work, and therefore one has to[9] [have] some help from this less sober and, to use his own terms, somewhat mad Plato. That is one meaning of the Platonic praise of madness, that the sphere in which sobriety is possible is surrounded by one which can no longer be understood in sober terms. You know what I mean—commonsense terms.

Now to come back to our question: monarchy. Consider 761e5 to 6, page 427. Read this section.

Reader:

> [Ath.:] And if one either of the foreign neighbours or of the citizens injures another citizen, be the culprit a slave or a freeman, the judges for the complainant shall be the Five officers themselves in petty cases, and the Five each with their twelve subordinates in more serious cases, where the damages claimed are up to three minae. No judge or official should hold office without being subject to an audit, excepting only those who, like kings, form a court of final appeal. (761e)

LS: Yes, that is it. Here is where the kings are explicitly mentioned. Do you recognize a problem which as such has come to the fore in modern times and is not called in these terms of Plato?

Student: Sovereignty.

LS: Yes. In other words, the problem of sovereignty, to use modern language, is that which stands for the "monarchic element." And in every society there is an element which is not subject to appeal, just as you can appeal from one judge to another until you arrive at some court from which no appeal is possible. And that applies not only to judicial matters. I think that is the closest approximation to the statement of sovereignty which I remember from classical literature. That is the monarchic element; everything is

subject to the state. At a certain point, even in a democracy of course, this element exists. So there must be, apart from the element of persuasion, the element of something where persuasion stops and no appeal is possible anymore. And that is the kingly element. That is a remarkable passage.

In the sequel (762c) there is a passage to the effect that any citizen seeing this may punish and beat a fellow citizen for something wrong.

Reader:

> [Ath.]: If a man absents himself by day, or by sleeping away at night, without orders from the officers or some urgent cause, and if the Five inform against him and post his name up in the market-place as guilty of deserting his watch, then he shall suffer degradation for being a traitor to his public duty, and whoever meets him and desires to punish him may give him a beating with impunity. (762c-d)

LS: Does this remind any one of you of an actual institution somewhere in Plato's time?

Student: Sparta.

LS: Sparta—in Xenophon's *Spartan Constitution* it is mentioned. So there is also a certain Spartan element[10] that is here too. There are other remarks about that. For example, in 763b7, when he speaks of various officials, and [mentions][11], however one might call them,[12] I think Lamb translates "secret service men." Now this was again the Spartan designation. So he tries to make some concessions to Spartan usage. A question which I can't solve, and I don't know whether anyone can solve, perhaps due to lack of information, would be whether there are any Cretan institutions adopted. Athenian, massively; some Spartan, quite clearly. And it would be a great joke if there were in the *Laws* not a single Cretan institution. I am sorry that I cannot answer that question. I regard it as perfectly possible that this is what happened.

But we still have to answer this question: Why should the rich be treated so gently by Plato? Plato knew very well that this is a gross solution. We get an answer in 763d-e.

Reader:

> [Ath.:] Thus it is needful that these men also should have both the ability and the leisure to attend to public affairs. Therefore for the office of city-steward every citizen shall nominate whatever person he chooses from the highest property-class; and when these have been voted on, and they have arrived at the six men for whom most votes have been cast, then those whose duty it is shall select the three by lot; and after passing the scrutiny, these men shall execute the office according to the laws ordained for them. (763d-e)

LS: Now what is the answer? It is not so paradoxical. Why is there a greater privilege given to the rich than to the poor?

Student: Leisure.

LS: Leisure, time.

Student: But he also says ability.

Student: Well, by having leisure they have the time to acquire—

LS: The chances of cultivation are greater. You see, if you take people who are not propertied, they simply won't have the time. They would be concerned with the farm, or whatever it is, and[13] [would] not have the possibility.

Student: Doesn't Aristotle take up the problem that perhaps public officers could be paid, and then the state could be nonoligarchic? And then the poor people could participate and there would be no necessity to depend on leisured classes.

LS: To some extent. I do not remember now a definite Aristotelian passage where he says so. You mean that they should be paid for their services?

Student: That in a state where you don't pay the officers, the state becomes oligarchic because the poor people can't be officers, and thus the rich people become the officers.

LS: But what offices was he speaking of? The office of being a member of the assembly and of juries? These were paid, in Athens, and that law made possible the Athenian democracy.

Student: But I wonder why Plato wouldn't raise this problem of paying the poor people, paying the officers money.

LS: But then public office would become a means for livelihood also. That is something incompatible with the dignity of public office. That must not be an economic objective. I think that would have been the point raised. And if we accept for one moment this principle—that for public office proper there will be no payment, because there is a certain impropriety in that—then, of course, all the other things follow.

There is another point which I think is of some interest in 765b, when he speaks of the men in charge of choruses. Read just from 765, beginning.

Reader:

> [Ath.:] The officer and manager of the choirs they must appoint in the following way.[iii] All those who are devoted to these subjects shall attend the assembly, and if they refuse to attend they shall be liable to a fine—a matter which the Law-wardens shall decide: any others who are unwilling to attend shall be subject to no compulsion. (765a)

[iii] In the Loeb: "in some such way as the following."

LS: That is of course hard to enforce. In other words, those who like these choruses (how can you find out whether they like them if they simply don't[14] go there?)—those who are interested would probably go by themselves.

Reader: [Ath.:] "Every elector must make his nomination from the list of those who are experts: in the scrutiny, affirmation and negation shall be confined to one point only—on the one side, that the candidate is expert, on the other side, that he is not expert—" (765a)

LS: That is very remarkable. Does he mean to say in the case of these leaders of the choruses that moral considerations do not play any role? Think of a man like Aristophanes as a possible candidate for such a position. They would not be very particular about the other qualification provided he has experience, he understands these things. I mention this only as a question.

Let us turn then to a passage a bit later (765e).

Reader: [Ath.:] "Both the candidate that is put first, and the elector who puts him first, must be convinced that of the highest offices of State this is by far the most important."

LS: In other words, the man in charge of the education.

Reader:

> [Ath.:] For in the case of every creature—plant or animal, tame and wild alike—it is the first shoot, if it sprouts out well, that is most effective in bringing to its proper development the essential excellence of the creature in question. Man, as we affirm, is a tame creature; none the less, while he is wont to become an animal most godlike and tame when he happens to possess a happy nature combined with right education, if his training be deficient or bad, he turns out the wildest of all earth's creatures. (765e-766a)

LS: Does this remind you of something?

Student: The *Politics*.

LS: Whose *Politics*?

Student: Aristotle's *Politics*.

LS: At the beginning; that is almost literally the same thing. And you see also "the virtue of its own nature." Every being has a nature of its own: man, human; dog, doggish, and so on. And the virtue of that being is defined or pointed to by this given nature.

Student: Could I ask you about the problem of nature? It seems that they have a conception of human nature, of a perfection of human nature. He is constantly talking about this human nature being almost made by education or destroyed by poor education.

LS: Not the nature, but the goodness or badness depends decisively on education. Let us leave it at this and add any footnote if necessary. But as to the nature, man cannot be made into a stone or a horse. You can kill a man, but then he ceases to be a living being; he never becomes a stone.

Student: I see this. The problem I was dealing with is not so much making man a stone or something like this, but was that between the good man and the bad man: however this state [is] arrived [at], there seems to be in Plato a difference that is almost in the order of essence.

LS: No. Except one point. I see, however, what you mean. They make a distinction between good natures and bad natures. Some men have a greater natural aptitude for virtue and others have a very small one, by nature. That is axiomatic for Plato and for Aristotle. But the question, of course, is that that is never enough. Both need training and education, although to different degrees. And there may be people (we read an indication of that last time, although I don't remember the exact passage), although very few, who are born without that inborn self-love which is the root of all evil according to Plato. You remember that passage. Now in other words, what he has in mind is that there are certain human beings who will simply by their nature become good men regardless of the influences to which they are exposed. And I believe, as I mentioned last time, that Socrates was in[15] [his] opinion such a man. So there was surely some training needed but this training, as it were, Socrates gave to himself. Take the famous story when a physiognomist saw him and said: Socrates, you are by nature a criminal, because of the certain physiognomic features. And Socrates said, as a modern classical scholar has expressed it: Sir, you have seen through me. But, Socrates says, I did something about it. He had it in himself to do something about it; he did not depend on education decisively. That is, I think, what Plato means. But this doesn't do away with the unity of the species; even the most depraved fellow is still a human being. His very depravity is human depravity.

Student: But politically it almost does away with this unity of the species.

LS: No. I would say it as follows. According to Plato as well as to Aristotle there is a hierarchy of human beings according to nature, and not only that of grown-ups/children or males/females, but also regarding the moral and especially the intellectual gifts. Every polis tries to imitate the natural hierarchy because somehow it knows it needs the best men at the top, and this kind of thing. But no social order can succeed fully in that, and that is the problem of every social order. No one in his senses would find it wrong to be subject to men who are morally and intellectually superior to him, but the people to whom we are politically or socially inferior are not necessarily morally and intellectually our superiors, and that creates a problem. Thus this strange thing of a man, say Socrates, of a high moral and intellectual standard has to bow throughout his life to people who are his inferiors. That is the polis, the problem of the polis. And anarchism is of course no solution, because then you get a wholly inconsistent position. You are constantly deriving benefit from something which you condemn. Then you have to be really consistent and

go to the woods in a place which is in no way subject to political authority. Some people have tried to do that.

Student: If there is a nature of man which involves somehow reason as a part of that nature, there is also the fact that some men are born with much less reason—

LS: Less intellectual gifts, yes.

Student: Would that, then, involve a failure of nature?

LS: Sure, that is what Aristotle says—that nature tries to do that—but then there is [a] certain matter, and this creates difficulties. Just as the sculptor tries to make a statue, you know, and sometimes the marble simply fails and then the statue will not come out as he wanted it, the same is true of nature working in the formation of man. Empirically speaking, there are idiots, imbeciles and morons. So there are, undeniably.

Student: My problem is, wouldn't this hierarchy be unnatural in the sense of not being due to nature proper, this inequality of natural gifts?

LS: I fail to understand that. This hierarchy is natural. Well, there is a form and matter, to use this scheme that belongs to all natural beings including man. And therefore, that matter makes a man so that it is extremely hard for him to devote any attention to any thinking, that is so. And I think what Plato and Aristotle imply is this: that it is essentially necessary that there be a hierarchy, meaning that there are more not quite at the bottom, I mean of the moronic, of course not. But say what you understand by very normal and very average: that is a broad line, and then as you go up, less and less. Empirically that is the case. For example, if you think of painters: the very good painters are much less in number than those who just paint. And the same is true in every profession. Why could it not be that all mathematicians, for example, were mathematical geniuses? I mean, prior to investigation, empirical and otherwise, why not? But in fact it is not so. And therefore, since this is always so as long as we know, they would say there must be a reason for that. Apparently that which—if we understand nature as a productive force for a moment, nature has to[16iv] overcome to bring about the terrestrial intellectual being. The obstacles are so considerable that the highest achievements must be rare. A certain average intellectuality nature easily achieves, since there are so very few morons in the technical sense. One must, after all, get an explanation for that fact.

Student: I may simply be confused about words, but still one can speak about nature trying to make as many perfect men as possible.

LS: Yes.

Student: Therefore all the imperfect men are less natural than the few perfect men.

[iv] In the transcript: "be overcome"; it is likely that Strauss said simply "overcome."

LS: No. You can only say the possibility of a full development of the perfection essentially open to man is in fact open to a minority. That is so. That is an empirical fact. And what the reason for that is requires metaphysical . . . [v] that women could not be kings. Proof: Elizabeth, Catherine, and quite a few others. They are perhaps not models of all virtues,[vi] surely that is possible. But the funny thing is this. For the vulgar mind, the demand that women should be kings is of course most shocking in olden times, but it isn't shocking at all if you think a bit about it. The real paradoxes are the women philosophers. And I suggested at that time that the students who didn't believe me should consult political history on the one hand, and the history of philosophy on the other. And they would see there are quite a few outstanding women in political history and there is not a single one outstanding in the history of philosophy. And then someone said, seriously: You forget Susan,[vii] and X said: Well, I have no reply to that. Well, the reply is obvious, I believe. Well, I don't know Susan, but surely that. She was a quite meritorious woman in England, I believe. So that is, I believe, what Plato meant. That has something to do with the intellectuality. The practical life, the life of politics, is not of that radical intellectuality of the speculative, the philosophic life. I think that is what he has in mind. And one has these famous prodigies, the daughter of Scaliger, a famous scholar of the sixteenth century, who brought up his girls so they could write Latin poems when they were three years old and so on. Fantastically learned creatures, and yet whom we remember is old Scaliger, not his prodigy daughter. There is a problem here. And perhaps nature does play a role. That would be one part of it.

Now in 768b, beginning, he makes the remark that the man who does not participate in judicial things . . . How does he translate that?

Reader: [Ath.]: "In private suits also, so far as possible, all the citizens must have a share; for the man that has no share in helping to judge imagines that he has no part or lot in the State at all." (768b)

LS: That will remind you also of Aristotle's definition of the citizen when he begins the discussion. Participation in judicial as well as in legislative functions, Aristotle says. The judicial function is also stated here very clearly. If a man does not even participate in judicial functions he is not a citizen. That is the minimum one can imagine. Now in the sequel, 769a-770a, he discusses the problem of the future of the legislation and its possible progress. This is a transition from the magistracies to the laws proper. And that is a very important passage because the Athenian Stranger knows that this fixity of the laws, praised in the First Book when he spoke of Egypt, for example, is not something which can reasonably be expected. One must expect future change and, in the most desirable case of course, future progress. We cannot read this now.

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[v] There was a break in the tape at this point.
[vi] There is a small break at this point in the transcript.
[vii] Susanne K. Langer, whose works include *Philosophy in a New Key: A Study in the Symbolism of Reason, Rite, and Art* (1942) and *Feeling and Form: A Theory of Art* (1953).

Then afterwards he turns to the beginning of legislation. And here [lies] the difficulty to which today's report referred. What is the difficulty? What is the beginning of legislation?

Student: Divinity and number instead of knowledge.

LS: Yes, the temples and knowledge. He had said at least twice that the beginning of legislation must be knowledge, and now he makes temples the beginning of legislation. But the contradiction is resolved in 771d.

Reader:

> [Ath.]: For the present, then, we shall trust to the oracular statement just delivered, and we shall employ these subdivisions, and give to each portion the name of a God, or of a child of Gods, and bestow on it altars and all that belongs thereto; and at these we shall appoint two assemblies every month for sacrifice—of which twelve (yearly) shall be for the whole tribal division, and twelve for its urban section only; the object of these shall be, first, to offer thanksgiving to the gods and to do them service, and secondly, as we should assert, to promote fellowship amonst ourselves and mutual acquaintance and association of every sort. For, in view of the fellowship and intercourse of marriage, it is necessary to eliminate ignorance, both on the part of the husband concerning the woman he marries and the family she comes from, and on the part of the father concerning the man to whom he gives his daughter; for it is all-important in such matters to avoid; if possible, any mistake. (771d)

LS: And so on. Now you see there is a connection. In a way, these festivals in the temples subserve the right marriage regulations. Now what is the difficulty? That is a somewhat funny thing to which he refers in the sequel, but by no means unserious and unimportant, and that is this: the future spouses should know one another to some extent. It is of course of the utmost importance to have some awareness of their bodies, and that is excluded by good manners. A certain nakedness—Plato tries to come as close as possible to the possibility of the future spouses seeing one another naked. And as a counterpoise against this daring proposal he gives it this religious background. So the question of marriage is certainly the primary subject of the legislation here.

He goes then into the more detailed marriage prescriptions. We cannot go into all of them. Let us read only one point which is of broader importance for Plato's whole thought. Let us read 773a.

Reader:

> [Ath.:] You are right. So let us say to the son of noble sires: My child, you must make a marriage that will commend itself to men of sense, who would counsel you neither to shun connexion with a poor family, nor to pursue ardently connexion with a rich one, but, other things being equal, to prefer always an alliance with a family of moderate means. Such a course will benefit both the State and the united families, since in respect of excellence what is evently

> balanced and symmetrical is infinitely superior to what is untempered. The man who knows he is unduly hasty and violent in all his actions should win a bride sprung from steady parents; while the man that is of a contrary nature should proceed to mate himself with one of the opposite kind. Regarding marriage as a whole there shall be one general rule— (773a-b)

LS: Let us stop here. He doesn't call it general rule; he says "one myth." Very advisedly, as he makes clear in the sequel, that cannot be a law. And "myth" is also used in contradistinction to law. Myth, from the word *mythos* in Greek is derived *paramythia*, which means something like admonition. So in other words, the admonitory part of this code can be called myth as distinguished from law. This knowledge of the moderate and the daring, that is the key moral distinction among men: some are hot and some are cold, some are daring and some are cautious, and this line is of crucial importance. We have seen some examples when we discussed Plato's own dialogues in which he tries to bring about a marriage, an intellectual marriage, of the two different types, for example, [of] Glaucon [and] Adeimantus in the *Republic*, the idea being that the perfect man would possess both qualities in a proportional manner. But in most cases, in the case of most men, they are split.

Student: Is there any significance in the fact that he describes the man as himself unduly hasty and the bride as being sprung from moderate parents?

LS: No, no. That might be because the general view, as you know—and I suppose this is based on some truth—is that the daring befits more the males and the restraint and reserve more the females.

Student: But I was referring to the point that he describes the man's qualities and then the qualities of the parents of the bride, not the qualities of the bride.

LS: I do not believe that this means anything more than that there is a general presumption that the offspring will correspond to the parents, and since the parents are much better known, having lived so much longer, you will look at them in order to have your expectation. But let us read the immediate sequel of that.

Reader:

> [Ath.:] each man must seek to form such a marriage as shall benefit the State, rather than such as best pleases himself. There is a natural tendency for everyone to make for the mate that most resembles himself, whence it results that the whole State becomes ill-balanced both in wealth and in moral habits— (773b)

LS: In other words, this marriage which Plato presupposes now on the level of empirical marriages—daring men/reserved women or vice versa—is in a way against nature. That is a convention, [an] imposition because, he says, in a way everyone seeks by nature what is most similar to him.

Now there are some other marriage proposals which are quite interesting. For example, 776a to b (page 471).

Reader:

> [Ath.]: The man who marries must part from his father and mother, and take one of the two houses in his allotment, to be, as it were, the nest and home of his chicks, and make therein his marriage and the dwelling and home of himself and his children. For in friendships the presence of some degree of longing seems to cement various dispositions and bind them together; but unabated proximity, since it lacks the longing due to an interval, causes friends to fall away from one another owing to an excessive surfeit of each other's company. Therefore the married pair must leave their own houses to their parents and the bride's relations, and act themselves as if they had gone off to a colony, visiting and being visited in their home, begetting and rearing children, and so handing on life, like a torch, from one generation to another, and ever worshipping the gods as the laws direct. (776b)

LS: What is the difficulty here? Someone of you laughed about this description of the problem.

Student: The problem of the in-laws.

LS: Yes, to put it simply. But the reason explicitly given is of course not quite the same. He doesn't say anything of these well-known facts, of frictions between the parents of one spouse and the other spouse.

Student: It must be noted that the question of proximity raises certain problems.

LS: Is it not true that one can get sick and tired of another human being?

Student: What about the wife and the husband?

LS: That is exactly it. I think that is what he means. The real rationale for this institution would be something else. For if you apply the rationale given here, that would of course be an argument against permanent marriage. This is Plato's way of indicating a delicate problem.

Student: There is something I noticed about this. If the happy couple are moving out to their allotment, presumably given them by the state—

LS: No, no. Every lot consists of two parts, one near the town and one in the countryside. And they are spending the honeymoon and the rest of their lives in that out-farm until they inherit. That is the idea. No new lots.

Student: This is still the family's lot?

LS: Yes. Yes, sure. Well, it may come also from the bride's side. That depends on the situation. If she is the only child, for example, she would get that. The difficulty would be if he is also the only son, you know; then we get already into complex problems of how to preserve the original division.

Student: I think in Book 5 he made provisions for that. Possibly giving a son to the family, and so on.

LS: But that leads to great difficulties. There can be all kinds of favoritism, so that is a very delicate problem. It won't do to say that everyone should have two children because some may die. It is not a practically soluble problem.

Student: Could I ask you the rationale for this control over a family? It seems to me it can be justified from the other point of view. Now marriages are made because these groups of citizens are immensely important. But how about the consideration of the privacy of the family? How does Plato, or didn't he see—

LS: No, that remains. Some privacy of course remains, but severely limited by these common meals of which he will speak later. But there is infinitely more privacy than in the *Republic*.

Student: But the thing is that the objection could be raised that this is unnatural, that the chief rule of marriage, even if it is a miserable marriage, is to look to the state, to the polis.

LS: Yes, surely. Plato admits this, that it is in a way unnatural. But the answer would be this (Plato's answer, and I believe also Aristotle's): there is only one human activity which is higher in dignity than living for the polis, dedicating one's self to the polis, and that is the speculative. All other human activities are lower in rank than dedication to the polis. And therefore that someone—say, the domestic life, you know—he marries as he likes, that is in principle subject to political regulation. I mean,[17] [it is] a matter of expediency whether such regulations should be made and how strict and detailed. Today, I believe, it is a general rule that people choose one another on the basis of complete absence of experience, naturally. Sometimes they may listen to experienced people and sometimes they don't. In former times the rule was much more that the initiative was the parents' because they know much better. And of course this chapter has not been closed, which solution is right. Now once you accept for one moment that the personal preferences, as they call it, is a secondary consideration compared with the function of married life itself, the duration, the bringing up of children, and these duties, then the question may very well arise whether the parents are necessarily the best judges. And whether, if such a thing is possible, not what they now call marriage counselors but really the most respected and older members of the community should not have at least informally, if not legally, the right to advise potential brides and bridegrooms as to the wisdom of the marriage. It boils down to this.

Student: I was thinking more along these lines, to put it in terms Plato would recognize. Is it assumed then that the requirements of the species could never be in conflict with the regulations of marriage proposed here?

LS: But what—

Student: Because presumably the requirements of the species is the first rule over marriage, and that somehow the political considerations are secondary.

LS: Yes, but on the other hand, since man is by his nature subject to, let me say, certain rules of virtue, that is as important. It is as important whether the marriage is likely to be virtuous and to lead to the generation of virtuous children [rather] than the mere production of another human infant. That is the problem. I know much too little of biology to answer certain questions which arise here. For example, whether, as Plato states it here, when he speaks against drunkenness, etc.—folklore in Europe says a lot of things about these matters, but whether they are really so important I don't know. At any rate, Plato seems to have adopted this, whether for pedagogical reasons or because he believed in it, I don't know. At any rate, Plato thought [that] it depends very much on the right selection and that sentiment is the least reliable guide in these matters, contrary to the modern view. And the other, the political problem, makes immediate sense. If the rich marry only with the rich, after a very short while you will have a circle of rich families with no deeper bonds with the rest of the population, whereas if, apart from the community of wealth, there are also cross-connections with the poorer people, the whole society is of course healthier. Think of what goes on in bloody civil strife if there are such connections. The desires to kill decrease considerably.

But this question of the marriage, not so much of the rich and the poor as that of the temperate and daring, is a great theme of Plato. It goes much beyond the political discussions of Plato. According to Plato's analysis, man on the highest level is characterized by the proper mixture of both. Both courage and restraint are integral parts of the efforts of the human mind. That is the highest problem, to which this other thing points.

Now in the immediate sequel, 776b, following, he speaks of the treatment of slaves. And here in this connection Megillus spontaneously enters the discussion. Can you state again why he is so much interested?

Student: This is a Spartan institution: the Helots that are being called into question.

LS: Yes, that didn't work in Sparta. And you remember we had an allusion to that in the Third Book, when he spoke of the breakdown of the original Peloponnesian order and something happened which was a breech of fraternity, you see. But it was mentioned, spoken of, only with the greatest delicacy. That was this: that the Spartans subjugated their kindred, the Mycenaeans, and made them a kind of slaves. And Sparta had to suffer a lot from that throughout their history. I think it is quite remarkable here that there is no longer any restraint of the criticism of Sparta anymore. The whole question has

disappeared. You remember that was so important at the beginning: How he could dare to criticize these venerable codes? We are completely beyond that stage here. And there is of course no longer any question of divine origin of these laws. There was a very specific passage, which I do not find at the moment, but perhaps we [will] find it a bit later.

I would only say this. This combination—first we have marriage and then we have slave: a great imitator of Plato made use of that; I mean Sir Thomas More in his *Utopia*. There is one chapter entitled "Of Bondmen, Sick Persons, Wedlock and Diverse Other Matters." He was a very busy man, you know.

Now in 777d there is also an interesting passage to which we might look. I must mention there are many things we have to skip.

Reader:

> [Ath.:] Two means only are left for us to try—the one is, not to allow the slaves, if they are to tolerate slavery quietly, to be all of the same nation, but so far as possible, to have them of different races,—and the other is to accord them proper treatment, and that not only for their sakes, but still more for the sake of ourselves. Proper treatment of servants consists in using no violence toward them—

LS: Violence is not the proper word; *hybrizein*: not to be insolent or arrogant to them.

Reader: and in hurting them even less, if possible than our own equals. For it is his way of dealing with men who it is easy for him to wrong that shows most clearly whether a man is genuine or hypocritical in his reverence for justice and hatred of injustice.

LS: That is a simple verity but a very important verity.

Reader:

> [Ath.:] He, therefore, that in dealing with slaves proves himself, in his character and action, undefiled by what is unholy or unjust will best be able to sow a crop of goodness,—and this we may say, and justly, say, of every master, or king—

LS: "Tyrant" is the Greek word.

Reader:

> [Ath.:] and of everyone who possesses any kind of absolute power over a person weaker than himself. We ought to punish slaves justly, and not to make them conceited by merely admonishing them as we would free men. An address to a servant should be mostly a simple command: there should be no jesting with servants, either male or female, for by a course of excessively foolish indulgence in their treatment of their slaves, masters often make life harder both for themselves, as rulers, and for their slaves, as subject to rule. (777d-778a)

LS: I think that is a remarkable piece of old-fashioned morality, you know, which accepts these inequalities and yet is decent on this basis. But you see also the slight comical implication when he speaks [of how] one should not make jokes with them and he mentions the females first, because the danger of joking, especially for a younger master, is probably greater.

We take another passage which is very important for understanding this: 780, beginning.

Reader:

> [Ath.:] Whoever proposes to publish laws for States, regulating the conduct of the citizens in State affairs and public matters, and deems that there is no need to make laws for their private conduct, even in necessary matters, but that everyone should be allowed to spend his day just as he pleases, instead of its being compulsory for everything, public and private, to be done by a regular rule, and suppose that, if he leaves private conduct unregulated by law, the citizens will still consent to regulate their public and civil life by law,—this man is wrong in his proposal. (780a)

LS: Again, does this remind you of a famous statement in classical literature, this notion of the greatest possible liberty for the individuals in their private lives?

Student: Pericles.

LS: Yes, where?

Student: In Thucydides.

LS: The funeral speech. If we call this liberalism in a certain vague but not unimportant meaning of liberalism, this problem was of course perfectly known to Plato. And he rejects this, just as Aristotle does. But the proposition itself is as old as the hills, at least at this time. Now the connection in which Plato makes this remark is the great innovation he suggests here, namely, common meals for women. Common meals for men were a common practice in Sparta and Crete, but now common meals for women. This is a great innovation and an additional interference with private life. Women, too, have to take their meals in common. Who established the common meals for men? Do you remember? Who did it?

Student: In Sparta, Lycurgus.

LS: And in Crete? The Cretan code is older than the Spartan.

Student: That would be Minos.

LS: Now let us see 780b.

Reader:

> [Ath.:] For what reason have I said this? For this reason,—because we shall assert that the married people must take their meals at the public messes neither more nor less than they did during the time preceding marriage. When the customs of the public mess first arose in your countries—probably dictated by a war or by some event of equal potency, when you were short of men and in dire straits,—it seemed an astonishing institution; but after you had had experience of these public messes and had been obliged to adopt them, the custom seemed to contribute admirably towards security; and in some such way as that the public mess came to be one of your established institutions. (780b-c)

LS: So who established the common meals for men?

Student: I suppose chance in that case.

LS: There is not a word about this Minos. Yes, it was just imposed on them. And let us now read the next speech of the Athenian.

Reader:

> [Ath.:] So, though this was once, as I said, an astonishing and alarming institution to impose on people, a man who tried to impose it as a law nowadays would not find it an equally difficult task. But the practice which follows on this institution, and which, if carried out, would be really successful,—although at present it nowhere is carried out, and so causes the lawgiver (if he tries) to be practically carding his wool (as the proverb has it) into the fire, and labouring in vain at an endless tale of toils,—this practice is neither easy to state nor, when stated, to carry into effect.
> [Clin.:] Why do you show so much hesitation, Stranger, in mentioning this?
> [Ath.:] Listen now, so that we may not spend much time on the matter to no purpose. Everything that takes place in the State, if it participates in order and law, confers all kinds of blessings; but most things that are either without order or badly-ordered counteract the effects of the well-ordered. And it is into this plight that the practice we are discussing has fallen. In your case, Clinias and Megillus, public meals for men are, as I said, rightly and admirably established by divine necessity— (780c-e)

LS: Out of some "divine necessity," meaning of a necessity, war or whatever it was. Why does he call it divine? Partly with a view to non-human/super-human origin, partly also with a view to its effect. It was a necessity bringing about a sensible institution. Again nothing said of the divine legislators. Continue.

Reader:

> [Ath.:] but for women this institution is left, quite wrongly, unprescribed by law, nor are public meals for them brought to the light of day; instead of this, the female sex, that very section of humanity which, owing to its frailty, is in other

> respects most secretive and intriguing, is abandoned to its disorderly condition through the perverse compliance of the lawgiver.

LS: Does this not seem extraordinary? I hope you have not forgotten the enormous caution with which he attacked the legislator in the first Books. Now without any hesitation, without any excuse. Continue.

Reader:

> [Ath.:] Owing to your neglect of that sex, you have had an influx of many consequences which would have been much better than they now are if they had been under legal control. For it is not merely, as one might suppose, a matter affecting one-half of our whole task—this matter of neglecting to regulate women,—but in as far as females are inferior in goodness to males—

LS: Not in goodness. With a *view* to goodness. In other words, their chances of becoming virtuous are smaller.

Reader: "just in so far it affects more than the half." (780e-781b)

LS: Now it is perfectly clear that all admiration for the Spartan/Cretan legislation has gone, except in certain details, but it is studied like any other legislation and all its claims to divine origin have gone. But accepting the common meals of men as a sound institution, if only imposed by chance on the Cretans and Spartans, the Athenian Stranger tries to enlarge it and also have common meals for women. And that means a complete break with custom, a complete break with the ancestral, a complete break with the old. The old question of the old, of the origin, comes up again. And here we have a passage in 781e-782, the speech of the Athenian there.

Reader: [Ath.:] "Let us, then, revert again to our first statements".

LS: Literally translated "toward the first things." Which means not only the first statement but also the first things, as you will see from the sequel.

Reader:

> [Ath.:] Thus much at least every man ought to understand,—that either the human race never had a beginning at all, and will never have an end, but always was and always will be, or else it must have been in existence an incalculable length of time from the date when it first began.

LS: You see, the whole question is opened again, but his time it is left open whether it is only an unbelievably long time that man exists or whether he has existed at all times. Let us continue from there.

Reader:

> [Ath.:] Well then, do we not suppose that all the world over and in all sorts of ways there have been risings and fallings of States, and institutions of every

> variety of order and disorder, and appetites for food—both meats and drinks—of every kind, and all sorts of variations in the seasons, during which it is probable that the animals underwent innumerable changes?
> [Clin.:] Certainly.
> [Ath.:] Are we to believe, then, that vines, not previously existing, appeared at a certain stage; and olives, likewise, and the gifts of Demeter and Korê? And that some Triptolemus was the minister of such fruits? And during the period that these fruits were as yet non-existent, must we not suppose that the animals turned, as they do now, to feeding on one another. (781e-782b)

LS: What light does this throw on the beginnings, on man's beginnings?

Student: That man, without the state, is a beast rather than a god.

LS: Yes, but specifically regarding the good here.

Student: The he was a cannibal.

LS: Yes. That is very important. Don't forget that in Book 3 we were entertained with the notion that in the beginning man was much better than he is now. Here the opposite is stated. That is a very important passage. The beginning was extremely savage. So then [it is] slightly concealed in the next speech, which we should also read.

Reader: [Ath.:] "The custom of men sacrificing one another is, in fact, one that survives even now among many peoples—" (782c)

LS: You see, "even now." In other words, in the past that was predominant. And that is now somewhat overlaid by the next remark, namely, that we also have the opposite custom: strict vegetarianism. I would say that this reference to a primitive cannibalism, which was of course indicated in the Third Book by the reference to Homer's Cyclops, as you may remember, namely, that the first polity was that described by Homer[18] [in his account] of the Cyclops who was a cannibal—comes up in the context here of the most radical break with custom hitherto proposed. Naturally the drunkenness would have been a much greater break, but we have seen that this drunkenness was a gross overstatement and was not meant to be literally an institution. But this—the common meals—is the greatest break with the common notions which we have seen hitherto. The explicit reason which Plato gives in the sequel is of course something else, namely, what he calls the three natural diseases of man: the desire for food, drink, and sexual gratification. How can he call them diseases? What does that mean? Is it not absurd to call these natural desires diseases?

Student: The footnote indicates that it is because some men are in a diseased state when dominated by these desires.

LS: Yes, sure. In other words, a man is a sick man if this is not controlled by reason. And he gives three remedies against them in this connection (783a). You stated them in your paper.

Student: Fear, law and true reasoning—reinforced, though, by muses and the gods.

LS: But fear is of course something very different from law. And law is also something very different from true reasoning, the true logos. You remember the discussion we had in reading the first and second books (645b in the First Book) when he makes a distinction between the individual and the polis. The individual may take the true logos, the result of sound reasoning, and make it his rule. And[19] the polis, he says,[20] must take a logos—not the true logos—from a god or from a human legislator. That is the point and that is the whole problem with which this book is concerned—that the law derives its claim to respectability from its alleged rationality, reasonableness. But this reasonableness it does not possess, strictly speaking. And that is the whole problem, that man must bow to an order which would deserve full respect only if fully rational but which it can never be.

We ourselves need quite an effort to understand this Platonic problem, and the main reason I believe is this. In modern times the attempt has been made to build up a perfectly rational society—that was the dream of original liberalism, for example, but it is even older than liberalism, e.g., even in the absolute monarchy, the enlightened despotism, and this kind of thing. And in our time it lives on in a diluted and modified form in Marxism. In liberal democracy it has undergone so many modifications that it is barely recognizable, but it still haunts us. Now of course the rational society in [the] modern sense is rational in an entirely different way than what Plato and Aristotle meant to be a rational society. For example, the whole notion of egalitarianism characteristic of the modern notion of a rational society is wholly alien to Plato and Aristotle, and [it] would be regarded by them as irrational to treat unequal beings as equal. And also the rationality is linked up in modern times very much with the bodily desires and the satisfaction of the bodily desires, so much so that the truly rational society would be one which as such is in no way concerned with virtue but at most with certain conditions of virtue. But even that would not be correct, because it is strictly speaking concerned with the conditions of the pursuit of happiness of each, regardless of how the individual understands happiness. That is the meaning of life, liberty, property in Locke and such writers. Now the characteristic thesis of Plato and Aristotle, I think one can say, is the denial of the possibility of a rational society in their sense. They would have regarded the modern notion of a rational society as wrong, namely, as the notion of an irrational society. They would not have accepted that. But even the rational society as they saw it was in their view not possible, and that is the root of all the difficulties. And therefore the polis, while a perennial necessity and in this sense natural to men, is also a perennial problem. The solution of the human problem cannot be found on its basis.

The last point which I would like to mention (783d) is the passage about how the bride and bridegroom have to conduct themselves in the period of begetting children. That is a nice example of a prelude in the Platonic sense—you know, something which cannot be

made a hard and fast law, [a] legal rule with punishments attached to it, but which concerns the rules of respectability in a society. And it is of course as important [as], and in a way more important than, laws in the technical sense of the term.

I believe these were the most important passages in the Sixth Book—most important at a first glance, of course. There may be some very important passages which would not come to sight without a much more precise reading than we can do now. Now is there any question or objection? Well, then, let us adjourn.

[end of session]

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[1] Deleted “that.”
[2] Deleted “all.”
[3] Deleted “light arms.”
[4] Deleted “in”
[5] Deleted “it.”
[6] Deleted “inaudible.”
[7] Deleted “the element of truth in it.”
[8] Deleted “says.”
[9] Deleted “be.”
[10] Deleted “here.”
[11] Deleted “says.”
[12] Deleted “and.”
[13] Deleted “do.”
[14] Changed from “whether he likes it if he simply doesn’t.”
[15] Deleted “this.”
[16] Deleted “be.”
[17] Deleted “as.”
[18] Deleted “and the description.”
[19] Deleted “of.”
[20] Deleted “it.”

Session 10: February 17, 1959

Leo Strauss: [in progress] —because I had expected a more interesting paper from you.[i] You didn't bring out the gems of the Seventh Book at all. You gave a reliable and truthful report of the content, but I believe you could have made it a bit more interesting. And I was especially curious to hear from you because I believe you are the only one in this class, at least among those registered, who got this training in Greek mathematics at St. John's which one doesn't get anywhere else. And since Plato speaks here about a big discovery in mathematics—you know this very long discussion, and particularly in such a context—of solid geometry and also this discovery of the irrational numbers. Perhaps you can say something about this later. I also was surprised because I know you know that, that this hunting subject as a concluding subject has some implications as the end of the discussion of education. I believe we have even had some occasional private conversations about it. Do you remember?

Student: You mean a substitution brought out in the dialectic?

LS: Yes, why didn't you say that? After all, it is of some importance. Can you spell it out for the benefit of some others?

Student: Well, I am not certain that I understand it, because it is a veiled reference.

LS: Lay a foundation for it, a simple foundation.

Student: Well, in the *Republic* the higher education consists in the study of arithmetic, geometry and various mathematical sciences for the sake of leading to a study of things that are. And this higher study is dialectic.

LS: Yes, which is a Platonic word for philosophy. Yes, but I said you should lay a foundation, by which I meant this: as a book, the *Laws* is almost explicitly described as a second-best version of the *Republic*. Therefore, one must compare throughout the provisions of the *Laws* with the provisions of the *Republic*, in those cases where there is any common thing. Now clearly education is a big theme in the *Republic*. Books 6 and 7 are devoted to education, and here we have only Book 7. Again, it may be a coincidence, although it may not be. At any rate, in the *Republic* the whole thing culminates in dialectics. The end. And here the end is hunting. This shows in the first place that the most important thing is forgotten, deliberately forgotten, for this second-best purpose. But there is also something else to add. It is not simply forgotten but we are also reminded of it, and not merely by the place but also by the subject. Hunting is a common Platonic metaphor for intellectual hunting, and that is in the highest case philosophy.

Student: You mean to say that the absence is indicated?

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[i] Strauss responds to a student's paper, read at the beginning of the session. The reading was not recorded.

LS: That alone is, I think, of tremendous importance. The silence or the almost complete silence about philosophy in the *Laws* comes out most clearly in this educational chapter, where dialectics is replaced by hunting. And the very name hunting reminds of dialectics, given the Platonic usage.

I also thought it was very good what you said toward the end regarding the emphasis on piety and fighting. That is perfectly true. But I believe that could have been substantiated and thus made more important and more interesting. But one thing, I believe, is surely wrong. You said in a certain context "human sacrifices," or did I completely misunderstand you?

Student: That is what I said.

LS: But that is impossible. There are no human sacrifices.

Student: Well, the reference to the son or brother who would grieve at the sight of that. What else could that mean?

LS: No. Who would behave disrespectfully on the occasion—you know, where everyone is solemn and proper, and then perhaps some members of the family are not sufficiently pious and perhaps make jokes and so on. You know, that happens in all religions, that there are sometimes people who make jokes on solemn occasions. Why he chooses a brother and son is of course an interesting question. I take it that the father can be presumed to behave properly by virtue of his fatherly position. And the women, I believe, are excluded because they simply have to behave. So what else remains except a brother and a son? That is probably the explanation. Certainly there is no question of human sacrifice; that is absolutely impossible.

But a more important question. You didn't explain clearly why there cannot be legal regulations of everything, i.e., why you have to leave it in very important matters at mere advice or praise, and not law. You must think of this practical problem in practical terms. Why is this really not possible? Take an example which would make it clear. How would it work out? Why can one really not regulate everything by law? After all, an attempt has been made in such old codes as the Jewish code. The Jewish tradition has really tried to regulate everything by law, the most minute things of man. But why is it not possible from Plato's point of view? I suppose every old code does not make the clear distinction between law and morals.

Student: Isn't a powerful desire difficult to regulate by law?

LS: Sure, but one can hit it over the head. Some people have the great urge to kill other people, perhaps because they are lonesome and so on. You must have heard of these, and they may go scot-free today because they have been lonesome. So desires exist everywhere and they are punished, people are punished for acting on these desires. That is easy. Or do you mean the mere desires? For example, if the law commands that people

should mourn for their parents, what is the difficulty here? In one respect it is extremely easy to prescribe that you have to wear, say, black robes or a black tie for twelve months of the year. And anyone who deviates from that can get, if the lawgiver so desires, two years' hard labor for having worn a bright tie during the period of mourning. That is easy. But what is not easy, and what is even impossible?

Student: Plato is trying to engender virtue in the citizens, and virtue requires a habit, and also a right attitude of mind.

LS: But that is too general. Habits are acquired by action, and the legislator can prescribe action.

Student: Is it implied in some way that the letter killeth the spirit?

LS: That is also too general. In the case of this fellow, the lawgiver cannot really enforce sadness. He can enforce expressions of sadness, but that is of course not what the legislator means when he says they should mourn their parents. But let us take another example, because there are various aspects of it. The lawgiver wants that the mistress of the house should [be the first to] get up[1] in the morning, before the males get up. Sure, that is possible; you could have someone going around every day and seeing. Why not? But still, how would it work in practice? Who would bring it to the attention of the authorities if she would not do it? Surely not she herself, nor the slaves, who have not the slightest interest in ending this agreeable situation that they get up at ten and the mistress at twelve. In other words, some things are not enforceable for this practical reason, because there would be no one to supervise that. And a real analysis would require (and this would be a very interesting study) some knowledge of which things Plato says in the *Laws*[2] cannot be made the subject of legislation proper, and for what reasons, because these are two different things, if you take the case of the feeling of sadness and the case of the mistress getting up earlier in the morning. There may be other classes for all I know. It would be worthwhile thinking about it.

Student: I was just going to suggest that this would be so for two reasons. First, the impossibility, literal impossibility of regulating everything—both substantively and from the point of view of enforcement, as you point out; and the other thing, that somehow he intimates that some subjects are worthy of law.

LS: Yes, one may take the old Roman saying to the effect that the praetor doesn't care for trivial things. Surely, but you cannot say that of such important matters as education, where he says all the time that everything depends especially on the first five years. And then you cannot say that these are trivial things. You must look into that. There is also something like the dignity of the legislator. You see, you have something like this here. Education, moral education, is very important, and therefore only the most respected members of the community must be in charge of that. You remember that. Now there are certain things which are beneath the dignity of these people—you know, a certain kind of spying around is really ignoble. And although the matter is important, the way in which it could be taken care of is undignified, that is another reason. You know, to walk around

and perhaps try to get information from slave girls—what did they do? what did they say to their children at the table? and so on—these things are wholly improper. This is another class of cases. I think a thorough analysis would be very helpful. It would be really helpful for a philosophy of law altogether; to take the Platonic view as to the limits of legislation as against other views of these same limits would really be helpful.

But let us now turn to a coherent discussion of our section. We may begin with 790c3, page 11, where he speaks again of myths. Myth is here again to be understood in contradistinction to law, law proper, i.e., written with clear rules regarding enforcement, etc. Now this distinction, I would say, follows necessarily if the law is the true logos, the true speech about a certain subject. Then what cannot be expressed in the form of a law cannot be a true speech and must be a myth. Now that is of course an ironical argument, but in a way it has also to be considered. But still, that these laws regarding education are particularly called myths has something to do with the broader theme which will come to sight in the sequel. Let us read first the next speech of the Athenian.

Reader:

> [Ath.:] Let us take this, then, as a fundamental assumption in both cases,—that for both body and soul of the very young a process of nursing and moving, that is as continuous as possible both by day and by night, is in all cases salutary, and especially in the case of the youngest: it is like having them always rocked—if that were possible—on the sea. (790c-d)

LS: Well, you see here, incidentally, the impossibility of getting a sufficient number of supervisors and enforcement agents for something going on in every house, say twenty-four hours a day. That is another problem, or class. Continue.

Reader: As it is, with new-born infants one should reproduce this condition as nearly as possible. Further evidence of this may be seen in the fact that this course is adopted and its usefulness recognized both by those who nurse small children and by those who administer remedies in cases of Corybantism. Thus when mothers have children suffering from sleeplessness and want to lull them to rest, the treatment they apply is to give them, not quiet, but motion—

LS: That is beautiful, isn't it? This trivial and well-known fact, and yet in what detail and articulateness Plato spells it out for you. Do not keep them quiet but move them. How strange, how paradoxical. Continue.

Reader:

> [Ath.:] —and instead of silence, they use a kind of crooning noise; and thus they literally cast a spell upon the children (like the victims of a Bacchic frenzy) by employing the combined movements of dance and song as a remedy.
> [Clin.]: And what, Stranger, are we to suppose is the main cause of this?
> [Ath.]: It is easy enough to see.
> [Clin.]: How so? (790d-e)

LS: You see, it is a very rare case, I believe, that Clinias asks explicitly for a cause. He has seen it all the time happening, and then when the Stranger has brought out the paradox of it, Clinias says, yes, well, how come? Continue.

Reader:

> [Ath.:] Both these affections are forms of fright; and frights are due to a poor condition of soul. So whenever one applies an external shaking to affections of this kind, the external motion thus applied overpowers the internal motion of fear and frenzy, and by thus overpowering it, it brings about a manifest calm in the soul and a cessation of the grievous palpitation of the heart which had existed in each case. Thus it produces very satisfactory results. The children it puts to sleep; the Bacchants, who are awake, it brings into a sound state of mind instead of a frenzied condition, by means of dancing and playing, with the help of whatsoever gods they chance to be worshipping with sacrifice. This is—to put it shortly—quite a plausible account of the matter. (790e-791b)

LS: Yes, and Clinias is satisfied. This is of a very great importance for the sequel, because he deals here now with the origin of the dance and all this kind of thing of which he had spoken already in the Second Book. Now he gives a somewhat deeper reason for that. The need for a dance is motion and sound combined. They can also be separated. You can have an art which deals only with motion—mere mimicking, and of course the other musical arts would be higher levels of that. Now what is the basic element in that? From what does the need for sound and motion arise? What does it cure according to this explanation?

Student: Fear.

LS: Fear. This would be the starting point. So in other words, this has a cathartic effect. The motion and sound purge the fundamental fear, and there is a certain parallelism indicated between the case of little children and those of a certain kind of religious frenzy. That is the beginning of a long analysis which is later on referred to, used again, but never fully developed. I suppose that a really thorough analysis of Aristotle's famous definition of tragedy would have to take into consideration the things said in the Seventh Book of the *Laws*.

Then he turns somewhat later (794d to 795d) to the question of the education of girls, or of women in general. But you had a question?

Student: Before you go on, I am a little bit puzzled by this curing of frights in small children by rocking them. I don't understand the analogy which is meant with the religious group. What is the significance of that?

LS: Well, he seems to say that this is a parallel case.

Student: I don't see that.

LS: Does he not imply that?

Student: I don't see what sort of parallel he has in mind.

LS: The parallel between fear and frenzy.

Student: Frenzy is like fear?

LS: That is Plato's explanation of it. The empirically observable fact is the frenzy. Well, think of something else, you don't have to think especially of Greek things. What about these war dances common to many savages? What do they mean? They are meant to bring about a state of courage, a state of disregarding all dangers. That is not true courage, according to Plato. You have even an indication of that in a certain type of military music. I am not familiar with American military music but I know the kind which was used in the German army that clearly had such an effect of making one forget everything—in effect, a frenzy. It is much more civilized then the war dances, naturally, but it is not completely alien to that.

Student: Well, that sounds quite reasonable.

LS: This is, I would say, an indication of the problem of the drama, and especially of the tragedy altogether, which arose out of Dionysiac choruses. We will come to that later.

Student: [Inaudible]

LS: Ion, I see. He speaks here also in 791a3 of a *manikēn kinesis*—of a mad dash, inspired motion—the Greek word for madness, which does not have the merely negative sense. It has also the positive sense so that Plato could say somewhere that madness has brought greater blessings to Greece than sobriety. Divine madness, as it were, is also implied in that. In other words, Plato goes here back to a very rudimentary phenomenon in human life—every little child—in order to use this as a key to a very special phenomenon, this particular kind of frenzy which is somehow at the root of tragedy. At the root. You cannot understand tragedy completely from that, but you have to consider that too.

Student: Is it only limited to tragedy or is it also at the root of one kind of religion?

LS: Yes, a certain kind of religion. We come to that later. But surely tragedy itself is already no longer this basic fright. Tragedy has a relation to a certain kind of basic fright which this moving of the cradle and the songs have for the basic fright of the children. Just as this moving and singing is meant to overcome the fright, to purge it, in the same way tragedy at its highest level serves the purpose of purifying and overcoming a fundamental fear. That is part of the Aristotelian definition. You know, Aristotle says the purification of fear and pity. That is the other part, the part which is not accounted for here; but at least half of it comes in here. We must keep this in mind. You had a question?

Student: I don't really want to pursue this now, but what is this about the poor condition of the soul that is attributed to the infants?

LS: The poor condition of the soul is fear, the helpless fear.

Student: So it has no wider reference than to the fact that the child is afraid?

LS: Yes, but also grown-ups. And not merely cowards in the simple sense, but also these people who are in the grip of these fears which are purged, and therewith transformed, by choruses and ultimately by the drama. Well, in case someone doesn't remember that or hasn't heard of it, that is no disgrace. Aristotle defines tragedy in which way? Does someone remember it literally who has read it more recently?

Student: You mean that the end is to produce a catharsis of pity and fear, and so on.

LS: Yes, it is a very difficult definition because one first has to understand the connection between fear and pity, which is not so easy. But assuming one has understood it, or leaving the question open, then the question arises: Why is this purification involved and why is this purification such a terribly important thing?

Student: To take the example advanced earlier of the savage war dances, it would seem that the end or purpose of this is to bring about courage, but in the case of the tragedy we are presented with terrible things and the problem is to induce fear.

LS: Surely, there must be a vicarious fear. You are not Hecuba, as someone said. It is a vicarious fear, since it is not your business but rather you only observe it as a spectator. But this vicarious fear is aroused by the tragic actions, but the tragic event is presented in such a way as at the same time to enable the spectator to purge himself from that fear. So at the end of the tragedy—from the good tragedy, as I understand Aristotle's definition of it—you come out of the theater in a state of poise, of sober poise, which is no longer in the grip of fear nor of pity. But still you have undergone a modification.

Student: Aren't you supposed to come out frightened?

LS: No. How do they call these things they do on the TV? Suspense. No, reconciliation is the end. The whole thing is designed to lead us to a reconciliation, and that means also the reconciliation of the spectator to the order of things. The reconciliation would not be a reconciliation if there were not first a conflict: not only the conflict represented on the stage but a conflict within the spectator himself. He must experience this conflict in order to overcome it.

Student: But isn't there such a thing as a proper fear?

LS: All right, but then you call the proper fear what Plato calls here reverence or *aidōs* as the result of the tragedy. I have no objection to that, but that is a purified fear.

Student: Doesn't one go into the theater with certain fears?

LS: No, not necessarily. Some people go to the theater (let us take a modern example) after having had a good dinner, and thus are perfectly poised. And then they come in and see a great tragedy, well enacted. And then the prehistory, the dinner and so on, is forgotten, and they are suddenly confronted with a terrible conflict, say, of Hamlet, or Oedipus. And then something happens to them. And at the end, at least as Aristotle understands it, they would have their primary naïve poise, the poise with which they enter, destroyed; then there is a restoration of the poise on the basis of having become aware, or having become aware again of this fundamental conflict which in this or that form is present in all of us. As long as Hamlet is only a Prince of Denmark, who has his particular problems with his mother and father, he doesn't affect us. It must come to a point where we recognize in ourselves, although we are not princes of Denmark, his problem. The same applies to Oedipus or whoever you take. Let us replace this man who has this excellent dinner and good wine by someone who is very poor—a student at the University of Chicago—and bought a ticket at great sacrifice. He comes there and is not poised at all; he may have all kinds of problems. But these little nuisances and annoyances are of course also not the real thing, and they will also be replaced by an awareness of the fundamental problem of man, and then again by a solution to that problem, a human solution to that problem. The theater, just like the stage, is really a little world by itself. I believe that they made it a rule in former times that you had to be properly dressed when entering a theater. You could not go in as you walk around, and [there were] these other things which they did in order to indicate that this is really an spirit of solemnity, cut off from the everyday world.

Student: Just one more question. They are made sound by being out of their minds presumably prior to their frenzy which is making them sound. There is a certain rational calculation of what is fearful. There was a certain rational calculation of what was fearful. And here the madness has overcome that fearfulness.

LS: That is not so clear. I am not so sure of that. Take the case of the baby. He surely has no rational calculation of things terrible. And yet one can also say that this irrational feeling is not groundless, because he is really completely helpless. Left to himself he would be in instant danger of perishing. There may be something to that. But we must continue.

Now the next point was women's education in arms. And of course we know the general idea from the *Republic*, and the arguments are quite good: that they can do something in a battle only by making noise, so that the enemy believes that there is still a battalion around. Thus they are not really capable of fighting, but they can do this other thing. This reminds of certain passages in Aristotle's *Politics* regarding Sparta. But this subject is here linked up with an entirely different one, namely, with that of ambidexterity. And that really is the beauty. Now what is common to both subjects, ambidexterity and having women too in a military posture? That is a very great Platonic problem to which we have alluded on an earlier occasion in this course: the production of wholeness. Here we have

the city consisting of two parts, the male and the female. And the one is completely left out. Similarly, the two arms, or the two hands: only the right hand is cultivated; the left hand is not. Let us have also here wholeness, the greatest possible wholeness everywhere. That is here indicated by the taking together of these two different subjects. Plato indicates here that we are in a state of limpingness: only one hand is cultivated and the other is not, just as only the males are used for military purposes and not the females. You remember in the First Book, when he[3] said the Spartans left courage limping by limiting it only to the control of fears and not to the control of pleasures.

I believe you suggested in your report that Aristotle takes a different view of ambidexterity. That is true, and it is especially interesting, but I can't go into the long question here. There is a single page in Aristotle where he speaks thematically in his own name on natural right. Ambidexterity occurs as an example. By nature all men are right-handed, but that doesn't exclude that by training men can become ambidextrous. And it is a very difficult question what this means in the context. It would seem to mean that this is a relation of natural right proper to the right kind of positive law, that it is a cultivation of the natural right and therefore superior to natural right. That is one way of regarding Aristotle's teaching regarding natural right. But here let us read the beginning of this passage, 794d.

Reader:

> [Ath.:] You hear that[ii] in the case of hands, right and left are by nature different in respect of their utility for special acts; but, as a matter of fact, in the case of the feet and the lower limbs there is plainly no difference in working capacity; and it is due to the folly of nurses and mothers that we have all become limping, so to say, in our hands. For in the natural ability the two limbs are almost equally balanced; but we ourselves by habitually using them in a wrong way have made them different. (794d-e)

LS: Here in the Greek original, 794e2 to 3, he uses nature and habit as opposites. This is not the only case of this kind in Plato, it occurs also in the *Republic*. Plato appeals to nature: by nature the two hands are of equal capacity, but wrong habits have brought about a bad state of affairs. An error regarding nature follows from that, namely, that we attribute to nature what is in fact due only to habit. I mention this because there is still this old myth going around that the opposition of nature and habit, of nature and convention, is a thing limited to the so-called sophists. Plato makes the same use of it, only Plato has a different understanding of nature; but the opposition itself is as common in Plato as anywhere else and Plato wants to establish such habituation, such conventions as are in accordance with nature. That remains always the principle.

In another passage, to which I can only refer now, 796b to c, you find a reference to the goddess who clearly is Athena, the goddess of Athens in particular. And that is only one example among many others of the fact that this is an attempt to Athenianize, if one can use that expression, Crete—as would appear from the context.

[ii] In the Loeb: "The view that, in the case of hands."

For our purposes it is more urgent to turn to 797c and the speech of the Athenian there. It is quite a long speech.

Reader:

> [Ath.]: I assert that there exists in every State a complete ignorance about children's games—how that they are of decisive importance for legislation, as determining whether the laws enacted are to be permanent or not. For when the programme of games is prescribed and secures that the same children always play the same games and delight in the same toys in the same way—

LS: You see, the terms he uses here are the terms which are very common in Plato for describing the ideas, which are always the same in every respect—*the* unchangeable. ideas are the model for the customs here. Continue.

Reader:

> [and under the same conditions,] it allows the real and serious laws also to remain undisturbed; but when these games vary and suffer innovations, amongst other constant alterations the children are always shifting their fancy from one game to another, so that neither in respect of their own bodily gestures nor in respect of their equipment have they any fixed and acknowledged standard of propriety and impropriety; but the man they hold in special honour is he who is always innovating or introducing some novel device in the matter of form or colour or something of the sort; whereas it would be perfectly true to say that a State can have no worse pest than a man of that description, since he privily alters the characters of the young, and causes them to contemn what is old and esteem what is new. And I repeat again that there is no greater mischief a State can suffer than such a dictum and doctrine; just listen while I tell you how great an evil it is.
> [Clin.]: Do you mean the way people rail at antiquity in States?
> [Ath.]: Precisely.
> [Clin.]: That is a theme on which you will find us no grudging listeners, but the most sympathetic possible. (797a-d)

LS: Because they are the representatives of the oldest, the arch-reactionaries, conservatives and so on. The Athenian Stranger has gotten the right audience for this theme. Continue.

Reader:

> [Ath.]: I should certainly expect it to be so.
> [Clin.]: Only say on.
> [Ath.]: Come now, let us—

LS: Whether all of these things would need an interpretation, I don't know. I can't interpret them right away. But Plato did not write these things merely in order to gain another line. There must be some hesitation upon the part of the Athenian, otherwise the whole thing becomes unintelligible. And why does he hesitate? This question would have

to be answered. I don't possess the answer, but one would have to think about that. Continue.

Reader:

> Come now, let us listen to one another and address one another on this subject with greater care than ever. Nothing, as we shall find, is more perilous than change in respect of everything, save only what is bad,—in respect of seasons, winds, bodily diet, mental disposition, everything in short with the solitary exception, as I said just now, of the bad. (797d)

LS: The problem is, of course, how rare or frequent the bad things are. If, generally speaking, all things are fine, change is of course not desirable. But if badness is very common, then change would be desirable. That is a sudden switch from prohibition against change of the good toward the suspicion against change in general. That is a grave step. But Plato indicates here the premise of the whole transition, that is, the rarity or frequency of badness. Nevertheless, in spite of the fact that Plato did not believe in the rarity of badness, he had a bias against change—not a naïve prejudice, but a considered opinion. We must keep this in mind. Continue.

Reader:

> Accordingly, if one considers the human body, and sees how it grows used to all kinds of meats and drinks and exercises, even though at first upset by them, and how presently out of these very materials it grows flesh that is akin to them, and acquiring thus a familiar acquaintance with, and fondness for, all this diet, lives a most healthy and pleasant life; and further, should a man be forced again to change back to one of the highly-reputed diets, how he is upset and ill at first, and recovers with difficulty as he gets used again to the food,—it is precisely the same, we must suppose, with the intellects of men and the nature of their souls. For if there exist laws under which men have been reared up and which (by the blessing of Heaven) have remained unaltered for many centuries, so that there exists no recollection or report of their ever having been different from what they now are—

LS: The situation of Crete.

Reader: "then the whole soul is forbidden by reverence and fear to alter any of the things established of old. By hook or by crook, then, the lawgiver must devise a means whereby this shall be true of his State." (797e-798a)

LS: Now this statement is as important, as significant, as the one which Aristotle makes in the Second Book of the *Politics* on this subject of change—the section in which he discusses Hippodamus and where the whole question of the change of laws is discussed coherently by Aristotle. The principle, as stated by Aristotle and here also by Plato, is this: that which owes its dignity to habituation acquires its powers through changelessness. An interrupted habituation is not a full habituation. For most men all the rules which they obey have acquired their dignity for them through habituation.

Therefore, the sacredness of habit or custom is a primary principle of social life. And you see in the second statement (toward the end of the section which we read) there was no longer any reservation made[4] [on] behalf of good laws in particular. Any lawgiver must guarantee this changelessness.

Student: Don't you regard this as not completely acceptable, in some senses?

LS: Surely not. To tell you what I suspect, the hesitation of the Athenian (797d) has something to do with the difficulty. He had to swallow something. That takes time, and that gives the other fellow, who is impatient, the opportunity to say: Go on. Surely.

Student: What you are suggesting then, is that he doesn't really mean this.

LS: Oh no, it is not so simple. Let us take the two faulty extremes: chaos, on the one hand, and completely frozen customs on the other. I don't make a distinction now between good and bad customs, but rather say *any* customs. Both are faulty extremes. There must be some light, but there must also not be complete boundlessness. As John Dewey in his wisdom put it,[iii] the two elements must be there. Impulse alone would mean chaos; custom alone would mean lifelessness. Both must be present. Now what Plato and Aristotle mean is this: of the two faulty extremes, the one, the frozen custom, is preferable to the complete anarchy. If you have to choose between these two evils, then the frozen custom is a lighter evil, because it makes [society] at least possible.[5] The other would be destructive of society altogether. So the primary need is stability. That is surely not the whole need. We want to have *reasonable* customs, sure, but this is not so easy to get as custom altogether. That is the problem. The modern inclination, generally speaking[6]—although not of all modern men by any means, but of the purely modern men, the specifically modern men—is rather to the other extreme. You see the point? This was wholly alien to Aristotle.

Student: I didn't realize that extremes were being talked about here. I thought an ethically neutral statement was being made about custom, and that is that if a thing has to be changed it is better not to have it changed. It is better not to change.

LS: But you see that even in this extremely conservative book, the most conservative that Plato ever wrote,[7] in the beginning he refers to a law, an alleged Cretan or Spartan law, to the effect that in the absence of young men with their wild tempers, and among very old men, one may speak about laws and customs to be changed and they should be changed. There is a much greater distrust of change than in modern times. There is no question about that. But this goes[8] very well together with the awareness of the need for change, only the danger of change is so considerable that the need for change must be very great in order to accept the change. The burden of proof rests with the changers, not with the preservers. In modern times there is a school of thought which says just the opposite. That is the issue: Does the burden of proof rest with the preserver or with the changer? Now human nature remains the same, and there is a lot of preserving within a society no

[iii] See, e.g., *Human Nature and Conduct: An Introduction to Social Psychology* (1922).

matter what the "intellectuals" would say—and, by the way, they would admit that. They speak of the inertia. But we are speaking now of the doctrines of the thinkers, and there the distrust of change as such was much greater in premodern times than in modern times. And the external expression, and most important expression, is the doctrine of sovereignty as it was developed in the sixteenth and seventeenth centuries, which meant ultimately the provision of an engine for change. One who was not bound by the law, by any law, he could change laws.

Student: Yes, well, I was taking this in a slightly different sense. I was approaching it on the basis of my own modern understanding that a system which doesn't adapt itself to change, the change which is given to it, is bound to fail; whereas here it seems to be implied that change is bad for its own sake and you shouldn't try to adapt to it.

LS: Yes, but that is an overstatement of the issue. And as for adaptation to change, that is a very difficult question, because not in all cases is it simply wise. One cannot be so certain that a change which has taken place cannot be reversed. We are too sure of knowing the future. They were less sure of that. Now let us assume that a certain change has taken place in a given direction. Now you say we must adapt ourselves to that change. A man can very well say: Why not reverse the trend?

Student: Well, you have already said that the change is given.

LS: Even then. For example, let us assume you have a great dissolution of manners, to use the favorite example of earlier thought—which is, by the way, not completely obsolete because even the most modern men are shocked by juvenile delinquency. This is of course only a particularly shocking case of a dissolution of manners. Now what do you do, say, in the case of juvenile delinquency? Let us adapt ourselves to the situation, i.e., that juvenile delinquency is going to stay with us, and thus we take it into consideration that so and so many innocent citizens will be bumped off by these people and assume that we can afford it. Or do you not try to change that trend by bringing about a state of affairs in which the percentage of juvenile delinquents would be, say, as it was in 1920 rather than what it is in 1959?

Student: Well, of course you try to change it. But in respect of laws, of which we were now speaking, we can't simply go around with the laws which were good in 1890.

LS: Surely, that is quite true. These laws, which are understood as serving a restorative function, are different from other laws. It makes a great difference whether they are only meant to bring about a return to an earlier and better state of affairs. You cannot treat them on the same level because there you have the expectation that after[9] such and such a time these laws will fall into disuse because they are no longer necessary. At any rate, you must not forget that this notion of trends—I do not say that in some respects one may not be able to discern trends—was not that of the ancients. The ancients were much less certain than we are of (a) the possibility of recognizing such trends and (b) especially, regarding the necessity of accepting the trends. That makes a great difference. In order to clarify all these things, however, it is really necessary to ascend to what is popularly

known as first principles; and the first principle implied here is the idea of progress, which in a crude but very powerful form would mean this: that generally speaking the trends, the changes, are for the better. Well, if that is so, only a fool would be a conservative, or at least such a man would be a conservative only in limited matters. But if it is so that one does not know, which is a more cautious view, then one will not simply speak of change but will ask what kind of change, a change in what direction. And then he will make his policy depend on that.

The classical view was not that—that change may be as well for the better as for the worse—but rather a distrust of change. There is no doubt about that. The moderns, on the other hand, developed a trust in change. The ancients had a distrust in change. You could say that the perfectly sober position would be neither trust nor distrust. Surely, one would have to go into the question of why the distrust in change. Was it a mere backwardness, or was it a facing of this alternative of the two faulty extremes, i.e., frozen custom on the one hand, anarchy on the other, and [considering] which evil was feared most strongly and on what grounds? Perhaps we have too great a trust in the stability of the traditional safeguards against anarchy. They were closer to the chaos than we are or than we believe we are, because I think now there is a considerable awareness in the Western world that we are very close to chaos. But twenty years ago, to say nothing of fifty years ago, there was a certainty that [that] can never come again, this initial chaos. For example, I remember Sorel,[iv] who was regarded as a particularly open-minded man in his time, was absolutely sure that Europe in particular could never fall back into barbarism. I don't want to speak of these people who said there could never be a war, a world war prior to the First World War, because it would destroy the banking system of the West. I have heard that as a child. And today we are no more aware than the generations before us of the proximity of chaos. Premodern men all lived in that proximity to chaos.

Student: But aren't there a number of contemporary thinkers who would take the position that change is not either good or bad? The attachment of goodness or badness simply obfuscates the problem.

LS: No, if someone would say change is not necessarily change for the worse, it would be a reasonable opinion. We know so many examples of changes which were changes for the good. So that is nonsense. The question is not this. But if you say let us look or speak of change and forget about good and bad, then I am afraid that unreason talks through you. We cannot forget about it.

Student: Well, I wasn't suggesting this.

LS: I know. I have learned from you that you are not a positivist and I am very happy about that. But the question, to repeat, is this: whether the classical or the premodern view, which was apparently unnecessarily distrustful of change, whereas modern men are inclined toward the also irrational expectation toward change, is better. What are the

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[iv] Georges Sorel (1847-1922), French philosopher and syndicalist, author of *Reflections on Violence* (1914).

basic premises? Now in one case the premise is the proximity of chaos, and in the other case is the certainty that chaos has been overcome once and for all.

Student: Didn't the American Constitution illustrate a distrust for change?

LS: Yes, sure, at least in the interpretation of this which I have been taught to accept, that of the *Federalist Papers* and Hamilton against such people as Thomas Jefferson. But that is a long question. Surely that existed more in former times, but the question is really whether this and the explication offered in the *Federalist* is really so averse to change and in such a radical way as Plato was. I believe that this not true, although I could not now quote chapter and verse.

Student: I wonder if the Constitution is a very good example, because the Constitution includes a built-in mechanism for change.

LS: You can even state it very simply as follows. The mere distinction between the Constitution, which is very difficult to amend, and laws, which are extremely easy to change under this same Constitution, shows the difference.

Student: But to return to Plato, his analogy is of the lawgiver as a sea-captain steering through a storm of chance, constantly legislating.

LS: Not constantly legislating, but wisely looking ahead and making laws which are likely to weather the severest storms . . . [v] customs in general, without making a distinction between good and bad customs and spoke only of the necessity of having unchangeable customs. But what about the rational or true? What about that, not customs in general but rational or true? What about that? What about change in regard to the rational or true? That should be unchanged, surely. So in other words, what Plato does here (and here I am going back to the old point) is what he does throughout the book, i.e., he makes a consciously illegitimate transition from that which is legitimately changeless because it is rational to that which is not legitimately changeless. It is the old story of *nous*, *nomos*, *logos*. *Nomos* is not *nous* simply; it may very well be very irrational. But there is a certain kinship, if only on the basis of this simple consideration that every law, no matter how foolish and unjust, is universal. It speaks always of *all* who do this and this. Even if it says all carpenters, or maybe in the sense of discriminating against all of one group, it is still *all*. This universality is better than mere whim. There have been interesting studies made, e.g., that by Lon Fuller[vi] of Harvard in the *Harvard Law Review*, of the most impossible and bestial Nazi laws, and it has been shown that these were humanity itself compared with the Nazi practice. The mere fact that they stipulated something universally served as a limit to arbitrariness, to say nothing of the fact that even the Nazis could not say publicly certain things, and the law is necessarily public which they upheld in secrecy. So law as such is a blessing; that goes through Plato and he

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[v] There was a break in the tape at this point.

[vi] Lon L. Fuller (1902-1978), American legal philosopher, author of *The Morality of Law* (1964).

surely means it quite seriously. It can be a very poor blessing, that we all know, but still we must not forget completely that law as law is a blessing. It is the first protection against mere whim.

Now from this distinction between nature and habit and the possible opposition of the two, and the necessity of accepting certain customs which are by no means perfect, there follows the necessity of consecrating the customs, of which he speaks at the beginning of book nine. We turn then to the substantive point regarding the choruses. After all, we are speaking of education. We can[not], of course,[10] read the whole thing, but only one passage: 800c, page 43.

Reader:

> [Ath.:] Well, in our part of the world this is what happens, one may almost say, in nearly every one of the States. Whenever a magistrate holds a public sacrifice, the next thing is for a crowd of choirs—not merely one—to advance and take their stand, not at a distance from the altars, but often quite close to them; and then they let out a flood of blasphemy over the sacred offerings, racking the souls of their audience with words, rhythms and tunes most dolorous, and the man that succeeds at once in drawing most tears from the sacrificing city carries off the palm of victory. Must we not reject such a custom as this? For if it is ever really necessary that the citizens should listen to such doleful strains, it would be more fitting that the choirs that attend should be hired from abroad, and that not on holy days but only on fast-days—just as a corpse is escorted with Carian music by hired mourners. Such music would also form the fitting accompaniment for hymns of this kind; and the garb befitting these funeral hymns would not be any crowns nor gilded ornaments, but just the opposite,—for I want to get done with this subject as soon as I can. Only I would have us ask ourselves [again] this single question— (800 c-e)

LS: There is a connection between this and what we have seen first about this fright of children and its correction by choruses—by motions and sounds in the first place, and by choruses later. Now we are confronted with a much higher phenomenon than these simple devices of nurses regarding babies, motions, and sounds. We are now confronted with the true choruses. What is their function? To produce an atmosphere of holiness, the opposite of blasphemy. But what is the opposite of blasphemy in Greek? The opposite is the word which means giving utterances which bode well. Blasphemy is literally an utterance which bodes ill, for example, by provoking the ire of the gods. This holiness is auspicious holiness. It is separated from tears and mourning. The city's piety is not a tearful or mourning piety. I believe there is a connection between this fact and the emphasis on the funeral problem, given by the fact that the funerals were *the* example of legislation discussed at the very beginning of the Fourth Book. A friendly and not a depressive or sad religiousness is characteristic of this city.

But we have to go on. We may come back to a few relatively minor things, but we must move on. We turn to 803c, page 53. I would like to mention how this is introduced. Up to this point he has spoken of the problem male/female and the different, although partly

identical, education. From this he makes the transition to the assertion that human affairs are not worthy of great seriousness, of a much broader theme. Now let us read that.

Reader:

> [Ath.:] What I assert is this,—that a man ought to be in serious earnest about serious things, and not about trifles; and that the object really worthy of all serious and blessed effort is God, while man is contrived, as we said above, to be a plaything of God, and the best part of him is really just that; and thus I say that every man and woman ought to pass through life in accordance with this character, playing at the noblest of pastimes, being otherwise minded than they now are. (803c)

LS: Let us stop here for one moment. Men are only playthings of a god, of the god. That was already said in 644a, but there man was called a plaything of the gods, not of the singular. This is of some importance. Man is only a plaything, therefore man cannot be taken seriously. What must be taken seriously is god and god alone. And this has something to do, I believe, with the fact that—this follows the male/female discussion—that god is beyond the sexual distinction. Man is only a plaything of the gods. In other words, man's true seriousness can only be play. I remind you of the critique of tears and mourning in the section which we read last. Now the Greek word for play is *paidia*, and it is very close to another Greek word, *paideia*, which means education. The Greek word for education is derivative from *pais*, child, [education being] that which you do to children. And *paidia* is of course also related to children because children are supposed to play, not grownups, except occasionally. So man's life consists in his playful activities and there is an easy transition in his education. But the Cretan doesn't understand. Let us go on.

Reader:

> [Ath.:] Now they imagine that serious work should be done for the sake of play; for they think that it is for the sake of peace that the serious work of war needs to be well conducted. But as a matter of fact we, it would seem, do not find in war, either as existing or likely to exist, either real play or education worthy of the name, which is what we assert to be in our eyes the most serious thing. It is the life of peace that everyone should live as much and as well as he can. (803d)

LS: Here he criticizes the prevailing error—the serious is for the sake of the play. War, the serious thing, is for the sake of peace. Is this not strange? Did Plato himself not tell us that war is only to be waged for the sake of peace, and not the other way around? What is wrong? How does he refute this error? There is no play, no education in war. But we can also say: Who claimed that war or wars contained play or education? Or does he mean that in the accepted opinion play and peace is taken as the justification of [the] seriousness of war, and that this justification is false? So in other words, if we live for the sake of play, then we should not even think of seriousness. If we live for the sake of peace, we should not even think of war. What does he mean? Let us read a few more lines.

Reader: "What then is the right way? We should live out our lives playing at certain pastimes—sacrificing, singing and dancing—so as to be able to win Heaven's favour and to repel our foes and vanquish them in fight."

LS: Let us stop here for a moment. What is now the seriousness, or rather the play? The play consists in sacrificing, singing and dancing, and this serves another purpose. One would assume that this is a serious purpose. What then is the seriousness here? To be able to make the gods gracious towards one's self and to be able to vanquish the enemies in battle. Making the gods gracious and defeating the enemy, that is the seriousness; and the play is now sacrificing, singing and dancing. Or is it the other way around? That is the great difficulty, and I believe that the interpretation of the whole thing will depend on that. Now man's true life should be play. And what is according to Plato man's true life? I think we must always have recourse to that. Philosophy. Then philosophy would be the true play or education, and then the other life, say the political life, would be the seriousness. And in this connection, although I cannot now develop it, I believe this is the crucial passage for seeing the connection between piety and fighting. To make the gods gracious to one's self is piety and to defeat the enemies in battle is fighting. I think I would start from this. I believe you brought this up in connection with other passages. One must realize that this subject of piety plus fighting is linked up here with the whole question of what is man's true destiny. What is the true life of man? Now it is characteristically called here play, in opposition to seriousness. It is partly a pun. Play, game, education—education in the highest sense, i.e., philosophy. Do you see any light here in this very difficult passage? At any rate, this is a key passage, as you will see form the fact that Megillus feels compelled to enter the discussion. Let us turn to that passage, 804b, and read his speech as well as the following speech of the Athenian.

Reader:

> [Meg.:] You have a very mean opinion, Stranger, of the human race.
> [Ath.:] Marvel not, Megillus, but forgive me. For when I spoke thus, I had my mind set on God, and was feeling the emotion to which I gave utterance. Let us grant, however, if you wish, that the human race is not a mean thing, but worthy of serious attention. (804b-c)

LS: You see, that is *the* issue between the Athenian and Megillus and, of course, also Clinias. The Athenian says he can't take human affairs seriously because he has looked away toward the god. But then he makes a concession. If you like it, if you prefer it, then the human race may be seen as worthy of some seriousness. That is the issue in controversy between the philosopher and the political man. This is a most remarkable passage; I don't believe there is a parallel to that anywhere in the Platonic dialogues.

But let us now consider some of the other important passages. Let us turn to 815b (page 93). It is in the midst of a very long speech by the Athenian.

Reader:

> [Ath.:] So, in the first place, we must draw a line between questionable dancing and dancing that is above question. All the dancing that is of a Bacchic kind and

> cultivated by those who indulge in drunken imitations of Pans, Sileni and Satyrs (as they call them), when performing certain rites of expiation and initiation,—all this class of dancing cannot easily be defined either as pacific or as warlike, or as any of one distinct kind. The most correct way of defining it seems to me to be this—to separate it off both from pacific and from warlike dancing, and to pronounce that this kind of dancing is unfitted for our citizens—

LS: "Is not political" would be a more literal translation. "Does not belong to the polis."

Reader: "and having thus disposed of it and dismissesd it, we will now return to the warlike and pacific kinds which do beyond question belong to us." (815b-d)

LS: You see, that refers to the same theme which we had at the beginning. This has something to do with this kind of sad and depressing form of piety which he regards as verging on the blasphemous.

Now in this connection, we come almost immediately to the question of comedy and tragedy. He takes comedy first, and we should begin with the paragraph on page 97 (816b).

Reader: [Ath.:] "What concerns the actions of fair and noble souls in the matter of that kind of choristry which we have approved as right has now been fully discussed. The actions of ugly bodies and ugly ideas—"

LS: "Ideas" is of course an impossible translation. That is a Lockean term and not a Platonic term. Thoughts, or conceits, you could say, but certainly not ideas. Idea has in Plato a very specific meaning. What we call now an idea, a big idea or a wonderful idea, is Lockean terminology and not Platonic.

Reader:

> [Ath.:] and of the men engaged in ludicrous comic-acting, in regard to both speech and dance, and the representations given by all these comedians—all this subject we must necessarily consider and estimate. For it is impossible to learn the serious without the comic, or any one of a pair of contraries without the other, if one is to be a wise man; but to put both into practice is equally impossible, if one is to share in even a small measure of virtue; in fact, it is precisely for this reason that one should learn them,—in order to avoid ever doing or saying anything ludicrous, through ignorance, when one ought not; we will impose such mimicry on slaves and foreign hirelings, and no serious attention shall ever be paid to it, or shall any free man or free woman be seeing learning it, and there must always be some novel feature in their mimic shows. Let such, then, be the regulations for all those laughable amusements which we all call "comedy," as laid down both by law and by argument. (816d-e)

LS: What then is his decision regarding comedy? Is it forbidden or permitted? It is permitted, but not to be done by citizens, only [by] foreigners. There is no objection to that.

Student: There seems to be one difficulty here. We have to know about these things—ugly thoughts and ugly actions—and yet they are not to be really taken seriously. How then are we to know them completely?

LS: To take the question first. Moral education in an extreme way could, of course, mean that one simply doesn't see, hear or smell anything evil. That was not Plato's view. There is a famous discussion of this subject in Plato. Do your remember that?

Student: In the *Republic*.

LS: And what does he say?

Student: Well, it is in respect to the judges and whether they should engage in unjust actions. And it is pointed out that it is not necessary that they do so.

LS: The difference between the physician and the judge: a physician becomes better when he has been ill himself; a judge does not become better if he has been a criminal himself, to put it simply. But the judge must know evil, otherwise he can't be a good judge. But Plato contends that one can know evil only through observation, without doing it. He speaks not only of judges but of the whole citizen body. They should know evil. And the way to learn evil, the most innocuous way of learning evil, is to see evil people portrayed in comedies: the miser and whoever you might think of. Whether you can present every evil in a comedy is another question. For example, a homicidal maniac is not [a] fitting subject for a comedy, at least only in a considerably diluted version. But what I find particularly striking is that he says they must always make something new in comedies. That is contrary to the general prohibition against inventions. What did you say in your report in explaining that?

Student: To prevent their becoming consecrated by custom.

LS: There could also be another reason. If you are to see comedies in the first place, if you grant that—did you never hear of stale jokes? If this same miser or same sick man would be shown constantly always this and nothing else, few people would come. It would no longer be interesting. But if something interesting and funny which happened in the last year is presented, it will have an attraction and also a purifying effect.

Student: Although tragedy can be seen again and again.

LS: Yes, because there we are not concerned with laughing. Laughing is a kind of concession to pleasure.

Student: Can one cry always at the same thing?

LS: Perhaps there is a slight bias in favor of laughing rather than of crying which goes through the whole thing, as we have seen before. But we must first read the passage regarding tragedy.

Student: I take it they are not to be shown the really horrible aspects.

LS: No, no. That would not be possible in a comedy. It wouldn't be a comical figure. But that depends on the genius of the comic poet. He could perhaps present an absolutely evil fellow as a comic figure. I give you a very simple example. I saw a presentation of Stalin by Melvyn Douglas[vii] which was really quite good, given the limitations on this kind of thing. And this showed the absolutely ridiculous character of this ruling group, how Khrushchev kills Stalin by one stroke of his hand preventing the timely medication. It was an extremely funny scene. You can imagine that Melvyn Douglas must be comical in himself. But this is a question. I believe it depends on the inventiveness of the poet. Of course you cannot present the shooting down of many people in a comedy; that is out of the question, but you can show this mass murderer from his comic side.

Student: I was thinking specifically of anger or hatred.

LS: Not as a comic gesture, but he could very well include disgust. But now let us see what he says about tragedy, in contradistinction to comedy, as it appears in the immediate sequel.

Reader:

> [Ath.:] Now as to what are called our "serious" poets, the tragedians,—suppose that some of them were to approach us and put some question such as this,—"O Strangers, are we, or are we not, to pay visits to your city and country, and traffic in poetry? Or what have you decided to do about this?" What would be the right answer to make to these inspired persons regarding the matter? In my judgment, this should be the answer,—"Most excellent of Strangers, we ourselves, to the best of our ability, are the authors of a tragedy at once superlatively fair and good; at least, all our polity is framed as a representation of the fairest and best life—

LS: As an imitation.

Reader:

> which is in reality, as we assert, the truest tragedy. Thus we are composers of the same things as yourselves, rivals of yours as artists and actors of the fairest drama, which, as our hope is, true law, and it alone, is by nature competent to complete. Do not imagine, then, that we will ever thus lightly allow you to set up your stage beside us in the market-place, and give permission to those imported actors of

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[vii] Melvyn Douglas (1901-1981), American actor. Douglas portrayed Stalin in a 1958 episode of the American television anthology "Playhouse 90," entitled "The Plot to Kill Stalin."

> yours, with their dulcet tones and their voices louder than ours, to harangue women and children and the whole populace, and to say not the same things as we say about the same institutions, but, on the contrary, things that are, for the most part, just the opposite. In truth, both we ourselves and the whole State would be—

LS: We know this theme, by the way. The tragic poet makes different people say different things about the same thing. But in our city everyone will say the same things about the same matters, at least of importance.

Reader:

> [Ath.:] absolutely mad, were it to allow you to do as I have said, before the magistrates had decided whether or not your compositions are deserving of utterance and suited for publication. So now, ye children and offspring of Muses mild, do ye first display your chants side by side with ours before the rulers; and if your utterances seem to be the same as ours or better, then we will grant you a chorus, but if not, my friends, we can never do so." (817a-d)

LS: Now let us see that. Again, is tragedy permitted or not?

Student: Yes.

LS: It is permitted, but it is interesting that if you read this whole section on comedy and tragedy once, on the basis of a first reading, [it seems that] the permission for comedy is more easily given than the permission to tragedy. First a very strong argument is made against it, and then it boils down again to a concession. Seemingly, there is a stronger opposition to tragedy than to comedy. That is quite interesting, but perfectly in line with this anti-mourning, anti-tears element which goes through the whole Book. But in this passage itself, why does he say that what we are doing is the truest tragedy, meaning the legislation? This is usually read from the point of view, from the assumption that for Plato tragedy is the highest form of art. But this is of course by no means certain. Tragedy is the most effective form of art. That Plato says frequently.

Student: I was going to say that tragedy is not only something to be thought of in terms of its effects but it is also something in itself. In other words, purgation or catharsis is not the only element, and perhaps what Plato means when he says we are the truest writers of tragedy is that the very necessity of law and legislation is a tragic thing.

LS: Yes, yes. I think so. And the fact [is] that he calls them—the tragic poets—here, the serious ones, the serious poets. We have seen (803c) that there is a question regarding all seriousness. It also fits more closely together with the idea that tragedy and the polis are closer together than [to] comedy. Comedy is somehow questionable. But you see also that he says in the passage which we just read that there is an identity of purpose between the legislator and the poet, at least the tragic poet. We must never forget that. There is a real rivalry between the two which is not identical with but akin to the rivalry between poetry and philosophy of which he speaks in the Tenth Book of the *Republic*.

Student: [Inaudible]

LS: That is something which goes through from the beginning to the end of this book—this whole world of fear, sorrow, complaint, and so on, everything connected with that,[11] *the* blasphemy, to use the language Plato uses. In that sense you are right.

Student: [Inaudible]

LS: Now in the sequel he discusses the intellectual education proper, speaking of reading, writing and then of the mathematical disciplines and astronomy. These passages are all very long. But there is one point which we should read, regarding these necessities to which you referred (818). Let us take the next long speech of the Athenian after the one where we left off.

Reader:

> [Ath.:] There still remain, for the freeborn, three branches of learning: of these the first is reckoning and arithmetic; the second is the art of measuring length and surface and solid; the third deals with the course of the stars, and how they naturally travel in relation to one another. All these sciences should not be studied with minute accuracy by the majority of pupils, but only by a select few—and who these are we shall say when we have come near the end,—since that will be the proper place— (817e-818a)

LS: In other words, it is in a way beyond this theme. It appears at the end of this political discussion, as we shall see. It comes up to some extent already in the Tenth Book. But you must not forget what has been going on. We have been marching from early morning and we will arrive in darkness. These deeper subjects are discussed, in the Tenth and Twelfth Books especially, when it is already growing dark. That corresponds to their difficulty, to their abstruseness, to their aloofness.

Reader:

> [Ath.:] but for the bulk of the pupils, while it would be shameful for most of them not to understand all those parts of them that are most truly termed "necessary," yet it is not easy nor even at all possible for every student to go into them minutely. The necessary part of them it is impossible to reject, and probably this is what was in the mind of the original author of the proverb, "Not even God will ever be seen fighting against Necessity,"—meaning by this, I suppose, all kinds of necessity that are divine, since in relation to human necessities (to which most people apply the saying when they quote it) it is of all sayings far and away the most fatuous. (818a-b)

LS: What does he mean by that? Let us first make a simple presupposition. Necessary is distinguished in Plato and Aristotle from the noble. Necessary is what you have to bow to, which imposes itself upon you. The noble is that which is desirable for its own sake. For example, an operation is necessary but it is nothing noble. That does not mean that the necessary things are not terribly necessary. They may very well come in the first

place, but they are not that for which we live. And also the simple needs of the body are[12] necessary—food, drink, and so on—but that is not the thing for which a reasonable man would live. Now the mathematical sciences do partake of the necessary, e.g., the practical uses. That is what he means. You cannot have an army without counting how many men, and other things. So the necessary part, the part required for practical purposes, that must be taught[13] [to] every citizen. And then he comes to this quotation or remark by the poet that even god does not fight with necessity. The poet in question was a rather cynical man, and thus it is a long question as to what he understood by this—whether he meant such cases as Zeus and Hera, i.e., this scene in the *Iliad* where Zeus could not resist Hera. What he might have thought of this is a long question. We have only fragments of this poet; that is the trouble. And applied to the gods it is silly to say that, because a god would be of course beyond these creature kind of necessities. But which are the divine necessities? God will not fight against divine necessities. What are they?

Student: I was wondering whether perhaps this might be the gods' own natures—that they would have tried to make something other than themselves.

LS: That could be something. That could be. But here it is somehow . . . what is the connection between that and mathematics?

Student: The principle of contradiction.

LS: I see. In other words, that would be common to mathematics. Let us read the sequel.

Reader:

> [Clin.:] What necessities then, Stranger, belong to these sciences, that are not of this sort, but divine:
> [Ath.:] Those, as I believe, which must be practiced and learned by every god, daemon, and hero, if he is to be competent seriously to supervise mankind: a man certainly would be far from becoming godlike if he were incapable of learning the nature of one and of two, and of even and odd numbers in general—

LS: Nature is, of course, his gratuitous addition. "If he couldn't learn one and two and three and altogether the even and the odd ones."

Reader:

> [and if he knew nothing at all about counting,] and could not count even day and night as distinct objects, and if he were ignorant of the circuit of the sun and moon and all the other stars. To suppose, then, that all these studies are not "necessary" for a man who means to understand almost any single one of the fairest sciences, is a most foolish supposition. (818b-d)

LS: What does he mean by that? Now he uses the same notion of necessity but in a different sense—necessity not for the polis but necessity for the most noble pieces of learning, or subjects of learning. What are they?

Student: The laws.

LS: Here it is not said. Maybe. But still, what does he say in the *Republic*, where he is more explicit about this?

Student: The ideas.

LS: The ideas. Mathematics is the prerequisite for dialectics. And he calls the idea of the good the greatest piece of learning or subject of learning. And here he speaks in the plural of the pieces of learning. So mathematics is necessary for philosophy. In other words, there is an ambiguity regarding these divine necessities. First, the necessity governing the numbers themselves, which makes this an exact science. No—first, on the lowest level, the necessity for political, practical purposes. Then the necessity governing the realm of numbers themselves. And third, the necessity of numbers for the understanding of the highest. And only the two latter are called divine necessities, not the first.

And then we come to this long discussion of commensurability, incommensurability and irrationality. Can you explain in a few words what the problem is?

Student: Pythagoras is reputed to have discovered that certain linear magnitudes are not measurable by a common measure. In a square, for example, if you draw a diagonal, there is no common measure that can apply to both the diagonal within the square and the square. So they are incommensurable with each other.

LS: And what about the relation of numbers and magnitudes?

Student: Well, other than that I don't know of any incommensurability. There might be a problem in mathematical precision as far as bodies are concerned.

LS: Yes, but does it[14] not arise[15] immediately also regarding numbers? If you take the simple case,[viii] now if you try to figure out the length of this line—

Student: As I understood the argument I think the problem is not that there are irrational numbers but that you can no longer say of things that they are numerable, that is, so far as I understand that, there simply *is* no number.

LS: Sure, irrational numbers presuppose already an enlargement of the original Greek notion of numbers. That wouldn't be a number—the square root of two. Even fractions create a problem. And it is very strange that he has such a long discussion proportionately—a disproportionately long discussion on this subject. I draw your attention to the section beginning 819d5. That is quite remarkable. He discusses that in this section. Now if you look at it merely externally, without looking at what it says but only at how the page looks, then you see that it comes much closer to a Socratic dialogue

[viii] LS draws an isosceles right-angled triangle on the blackboard with legs marked one, and points to the hypotenuse.

than anything we have read hitherto. Is it not strange that just on this occasion, when this relatively speaking high problem of commensurable and incommensurable comes up, the dialogue approaches the Socratic dialogue? This is linked up with another fact: the discovery of incommensurability is said to be a non-Greek discovery. We Greeks all are in this error. Well, were other people not in that error? What does he mean by this? I don't know the literature in the history of Greek mathematics, but I am sure that this passage has been discussed very thoroughly. What can we make out on this subject on the basis of the passage itself? Do you remember any parallel in a Platonic dialogue?

Student: One of the speeches in the *Meno*.

LS: Sure. In other words, the only dialogue between Socrates and a slave, the *Meno*, deals with mathematics, and fundamentally with the same problem. By the way, I don't remember now but was *Meno's* slave Greek or foreign?

Student: He asks if he can speak Greek.

LS: But that doesn't mean, of course, that he was Greek by race.

Student: He was raised in such a house.

LS: And I believe there is a certain connection between this strange thing. And it is very interesting to see that this slave boy reaches a much better understanding in the dialogue of mathematical problems than these old statesmen do. That is also very interesting. One would have to read the *Meno* very thoroughly in the course of seeking an interpretation of this passage.

Student: Do you think that there is any connection between the *Meno* and the practice of bringing in slaves for comedies?

LS: Could be. That is a good point. Incidentally, in this connection in 820e[16] [the Athenian] calls, perhaps for the first time, Clinias "Stranger."[ix] The Athenian always calls them by their names if he uses an elocution. Here he calls him "Stranger." There is another such reference in this same area.

Now there is another point which we should consider, and that is astronomy. That begins almost immediately after (820a, page 111).

Reader: [Ath.:] "We commonly assert that men . . . . "

LS: No, a bit before that.

Reader:

[ix] *Laws* 820e2. The Loeb translation neglects to translate the Greek *ō xene* in the Athenian's line.

> [Ath.:] Shall we not, then, lay these down as necessary subjects of instruction, so that there may be no gap in our code of laws? Yet we ought to lay them down provisionally—like pledges capable of redemption—apart from the rest of our constitution, in case they fail to satisfy either us who enact them or you for whom they are enacted.
> [Clin.:] Yes, that is the right way to lay them down.
> [Ath.:] Consider next whether or not we approve of the children learning astronomy.
> [Clin.:] Just tell us your opinion.
> [Ath.:] About this there is a very strange fact—indeed, quite intolerable.
> [Clin.:] What is that?
> [Ath.:] We commonly assert that men ought not to enquire concerning the greatest god and about the universe, nor busy themselves in searching out their causes, since it is actually impious to do so; whereas the right course, in all probability, is exactly the opposite. (820e-821a)

LS: You see, that is one of the many passages we have in which this is made clear: that according to the common Greek view, to inquire into what the gods do is an impious act. There is a reference to this problem, by the way, also in the First Book of Aristotle's *Metaphysics*. But there are also many more passages. Philosophy or inquiry as such was a problem for the Greeks. Now go on.

Reader:

> [Ath.:] My statement sounds paradoxical, and it might be thought to be unbecoming in an old man; but the fact is that, when a man believes that a science is fair and true and beneficial to the State and altogether well-pleasing to God, he cannot possibly refrain any longer from declaring it. (821a-b)

LS: You see, there are three conditions. The truth is not enough. And the central is that it must be useful to the city. There is no question of an unqualified freedom of study. Continue.

Reader:

> [Clin.:] That is reasonable; but what science of this kind shall we find on the subject of stars?
> [Ath.:] At present, my good sirs, nearly all we Greeks say what is false about those mighty deities, the Sun and Moon.
> [Clin.:] What is the falsehood?
> [Ath.:] We assert that they, and some other stars along with them, never travel along the same path; and we call them "planets."
> [Clin.:] Yes, by Zeus, Stranger, that is true— (821b-c)

LS: That is the second time that Clinias swears. The first oath occurred in 814b8. It might be interesting to see, to consider there also the context. Here we see, of course, why he swears. Because that is a subject directly related to the gods.

Reader:

> [Clin.:] for I during my life, have often noticed how Phosophorus and Hesperus and other stars never travel on the same course, but "wander" all ways; but as to the Sun and Moon, we all know that they are constantly doing this. (821c)

LS: What does he mean by that? He is a special observer of the stars, as we have seen regarding the morning and evening stars. But how do we know that the sun and moon just do not follow regular courses? Everyone knows that they do that, i.e., that they are not regular. What does he mean by that? I don't know. Does he refer to eclipses?

Student: [Inaudible]

LS: I see. Well, the one who will read the paper on Books 10 or 19 should keep this in mind, especially Book 10, I believe. This discovery of the regularity is said to have changed the relation between science and religion, as we would say, completely, because as long as this was regarded as not regular, atheism had a certain justification. Therefore we must keep this in mind.

Now there are a few more passages which we may not have time to discuss. Incidentally, this first oath in 814b is in connection, I believe, with a right of asylum mentioned there, which was a major issue in classical antiquity, as it was in the Middle Ages and in modern times. You know that penal justice could be evaded by the simple device of touching an altar—I mean, there is a certain irrationality in that from the point of view of penal justice. And that plays a role somewhere in Euripides.

Compulsory education for both sexes is the last point I would like to make. And paid teachers from abroad. In the first place, you see that Plato did not wish to starve teachers as some modern scholars would have him do and thus arouse the hatred of the academic profession against Plato. But why from abroad? Well, it is below the dignity of the citizens to be schoolteachers, that is clear. But on the other hand, to use slaves would be below the dignity of the future citizens. The only way out is free strangers, strangers who are free men.

There are many more subjects into which we cannot go but I believe that this important subject touched near the beginning of the book regarding the origins of the music [which is developed here]—that man must move his limbs and give sounds (you remember that this was mentioned already in the First and Second Book)[17]—constitutes the deeper thread of the argument. And then what was brought out in the paper regarding this connection between piety and fighting as a dimension of seriousness, that is also an important issue.

[end of session]

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[1] Moved "the first."
[2] Deleted "that they."
[3] Deleted "called."
[4] Deleted "in."

[5] Deleted “society.”
[6] Deleted “is.”
[7] Deleted “that.”
[8] Deleted “up.”
[9] Deleted “to.”
[10] Deleted “not.”
[11] Deleted “in.”
[12] Deleted “also.”
[13] Deleted “by.”
[14] Deleted “a.”
[15] Deleted “also.”
[16] Deleted “he.”
[17] Moved “which is developed here.”

Session 11: February 19, 1959

Leo Strauss:[i] [in progress] —and I am glad to see you made some progress. Now one thing I did not quite understand, although your report was on the whole true and correct: you tried to subordinate everything in this book under the heading [of] leisure. That is not quite convincing to me. Especially, what do you mean regarding the relation between leisure and sex?

Student: Well, the mention he made in here that the leisurely activities lead on to sex because of the fact that these citizens would be free of very harsh, menial labor.

LS: Yes, but there is a certain ambiguity because for the Greeks, and especially for men like Plato and Aristotle, leisure does not mean quite what it means today, where it is simply the opposite to work. There is some third thing in their opinion and that is relaxation. It is not leisure. If you work you need relaxation, but relaxation is in the service of work, the breathing spell between work. But leisure is that for the sake of which work exists. So leisure and relaxation are two entirely different things, the one on the lowest level, relaxation, and leisure on the highest. Therefore leisure is of course activity, not just lying around and looking at the stars or whatever it may be. Leisure is activity. It is only a liberal activity, liberal in the old sense of the word, for example, when we speak of the liberal arts, whereas work is an illiberal activity, if one may say so. And relaxation is non-activity: sleeping, for example. This is lower than work because you are reduced to a state of complete potency, so to speak, as distinguished from act. So that is I believe not a sufficient formula for our book.

On the other hand, when you said the body, that is true. Only I wish you had not said material things because that is an un-Platonic expression, the term "matter" having been coined by Aristotle. And even whether one could call it material in Aristotle's sense is a long question. But in using the word body we understand what you meant, because the three subjects here—gymnastics, sex and food (livelihood)—all have to do with the body. This much about your paper.

It is perhaps good if we remind ourselves briefly of the subjects we have discussed and which we still have to discuss. We had first—disregarding now the destructive or negative part—the examination of the Cretan and Spartan law, and the introduction as to the character of a true polity (Book 4) and the need for preludes, as a definite proposal the magistracies, and then the rest of the work is devoted to the laws according to which the magistrates have to act. The first great theme was marriage, and then we had education, quite naturally because education is primarily education of children. This was finished by the end of Book 7. And now in this work we have gymnastics, sex (to use this word, since eros is not so intelligible) and food. And what about the sequel? I remind you of one thing. If you look at the beginning of Book 9, which may not come out in the English

[i] Strauss comments on a student's paper, read at the beginning of the session. The reading was not recorded.

translation, at the very first word—those of you who can look at the Greek text will see this is—well, he, [the translator], says judicial proceedings, lawsuits. But the Greek word *dikai* is the plural of the word *dikē*, which means something like justice, and including also especially criminal justice. I looked through the books. Only Book 1and Book 9 have such emphatic beginnings. Book 1, as you remember, god, and Book 9, *dikai*. All others have, if I may say so, trivial beginnings. In other words, a considerable part of Books 9 to 12 deal with judicial things and especially with penal justice. We come to that next time. Now let us turn to a discussion of the text.

He begins indeed not with gymnastics, as today's report has shown, but with the festivals to the gods. But that is a very brief discussion and it insensibly switches into the subject of gymnastics—thus underlying the theme of which we have spoken last time, piety and fighting—a subject which you find in 803d, Seventh Book. Piety and fighting, they belong together—at any rate, in any pagan morality—for example, today in[1] imperial Japan[ii] you have something of this sort. Now let us look at the beginning, 828a1-7. Let us read the first speech.

Reader:

> [Ath.:] Our next task is, with the help of the Delphic oracles, to arrange and ordain by law the festivals, prescribing what sacrifices, and to what deities, it will be good and right for the State to offer: the times and the number of them, however, it is, no doubt, our own business to ordain by ourselves.

LS: In the Greek that is much more cautious. "Perhaps it would seem our business to legislate about" that.

Reader:

> [Clin.:] Very likely, as regards the number of them.
> [Ath.:] Then let us first state the number. (828a)

LS: Let us leave it at that, although they go a bit beyond that. The main point is this. The substance of these things is not established by the legislator, not by the philosopher, but by the traditional religious authorities. The polis, any polis, depends on an established form of piety, an established religion. Philosophy cannot take care of that. That is axiomatic for Plato as well as for Aristotle. This does not mean that they regard this as the most important subject, but as something which is important but regarding which philosophy is powerless and with which it has to live and come to terms, which it cannot establish. A little bit later in this long speech the Athenian asserts very emphatically that[2] [life] is not preferable to[3] [death], and in a way this is the basis of the following argument. This means, in other words, the abolition of fear. If it is really indifferent to you whether you live or die, then you have overcome fear most radically. Why is that so, and what does this mean in this context? Now let us turn to page 127 in your edition, line 8 or so from the top. Here he says, "union," namely union of body and soul, "is in no way better for soul and body than dissolution." Will you read from here on?

[ii] The Empire of Japan was the Japanese political entity from 1868 to 1947.

Reader:

> [Ath.:] Moreover, if they are to arrange these matters adequately, these persons must believe that no other State exists which can compare with ours in respect of the degree in which it possesses leisure and control over the necessities of life; and believe also that it, like an individual, ought to leave a good life. (828d-829a)

LS: Incidentally, he says not "of all cities" but "of all present cities." Continue.

Reader: "But for a good and blessed life, the first requisite is neither to do wrong oneself nor to suffer wrong from others. Of these, the former is not very hard, but it is very hard to secure immunity from suffering wrong—"

LS: Suffering wrongs, yes.

Reader: "indeed it is impossible to gain this perfectly, except by becoming perfectly good. So likewise a State may obtain a life of peace if it becomes good, but if bad, a life of war both abroad and at home." (828d-829a)

LS: Now here he alludes to something which has been a theme from the very beginning, by making this statement: that a good man, and the same would apply to a good polis, by virtue of its goodness, will not suffer wrong. The old story. We had this in Book 1 already. The divine good, virtue, procures the human goods, life and whatever we need. But he indicates the difficulty: that for the good man it doesn't make a difference whether he lives or dies. Therefore, it would seem to follow that it doesn't make any difference to the good city whether it perishes or whether it survives. What is not indifferent to it is how it lives as long as it lives. At any rate, it would seem that the divine goods procure the human goods because they create an indifference to the human goods. Therefore, if you don't need them any more, that can also be called a kind of procuring the human goods. Let a human good be wealth, or some degree of wealth. [That] divine good procures human good [cannot imply that] virtue procures wealth, which is nonsense. But if you say virtue brings you into a position where you are indifferent as to whether you are rich or poor, to that extent it procures the human good. That one could say. The Stoic solution, as it were.

You notice also that he makes here a strict parallel[4] [between] the polis and the individual. And then he makes a transition from this subject to severe military training, which is developed in the immediate sequel. But here we must remember the fact, emphasized in the First Book, that the bad city may very well vanquish a good one, as the Athenian had pointed out to Megillus in particular. So this is a very great problem, which will come up later, namely, how far is virtue sufficient for happiness? That virtue is the core of happiness, that is both Plato's and Aristotle's view. But it is a long way from saying virtue is the core of happiness to saying that virtue is self-sufficient in the sense that it guarantees you happiness completely. This is, I think, a great theme of the section on sex, to which we come later. Now let us look, a little bit further on, at 829c to d (page 129). Begin on line 4.

Reader:

> [Ath.:] At each of these they must distribute prizes and awards of merit, and compose for one another speeches of praise and blame, according to the character of each one exhibits not only in the contests, but in his life generally, magnifying him who is accounted most good and blaming him who is not.

LS: In other words, these are the means for making men courageous.

Reader:

> [Ath.:] Such speeches not everyone shall compose; for, first, no one who is under fifty years old shall compose one, and further, no one shall do so who, though he may be fully proficient in poetry and musisc, has not yet performed any noble or notable deed. But, even though they be not musical, those poems shall be sung which are composed by men who are personally good and honoured in the State as performers of noble deeds. (829c-d)

LS: You see that is a somewhat changed position. Formerly it was understood that the[5] [poetry] of musical words should be of poetic excellence, and in addition it should be moral, but now he makes allowance for poetically defective things, provided the authors are very highly respected citizens, which is a considerable change of orientation. You can easily see what kind of poems we would get from time to time. I believe that in all countries such products exist. You know that very respectable men on a given occasion produce a poem which is listened to respectfully by everyone, but that is about it. Now that has something to do, I believe, with the theme. Here the demands of the city are much more in the foreground that they were before. Now let us go on and read the end of 830e, page 133.

Reader:

> [Ath.:] In this latter kind they will engage in contests with one another throughout the whole country, contending in the capturing of forts and in ambuscades and in all forms of mimic warfare; in fact, they shall do literal fighting with balls and darts as nearly real as possible,—though the points of the darts shall be made less dangerous,—in order that their games of combat may not be devoid of some element of alarm, but may provide terrors and indicate to some extent who is stout-hearted and who not: to the former the lawgiver shall duly assign honours, to the latter degradation, that thus he may prepare the whole State to be serviceable throughout life in the real contest. Moreover, if a man gets killed in these sham fights, inasmuch as the murder is involuntary, he shall pronounce— (830e-831a)

LS: I would translate here “homicide” in order not to make it unnecessarily harsh. You know the story of this marine sergeant last year, or whenever it was. That is not murder, it is homicide at the most.

Reader:

> [Ath.:] the slayer to be pure of hands, when he has been legally purified; for he will reflect that, when a few men die, others equally good will grow up in their places, whereas, once fear is, so to speak, dead, he will be unable to find a test to distinguish, in all such cases, the good from the bad,—and that is a far greater evil than the other for a state. (830e-831a)

LS: We don't need more than that. The crucial point, and I think you mentioned this in your paper, is that fear must not die. There is a certain contradiction between that demand and what was said earlier about the abolition of fear, by saying that there is no preference to be given to life as distinguished from death, to the union of body and soul as distinguished from their separation. That is a problem. The polis cannot exist in fact without this fear. The whole difference between courage in every political sense and cowardice requires that. Therefore, the human goods have a certain independence of the divine goods, and the problem of virtue and happiness comes up in its full strength. That, I think, we have to consider.

Here in the sequel the question is raised: Why is this kind of very tough military exercise, with live ammunitions, not used in many cities? And the first answer given is greed for wealth. In other words, people want to have a nice and pleasant life, and that is of course much more disturbed by dangerous military exercises than by soft ones.

Student: I just wanted to ask whether the kind of military exercises he had in mind might be similar to the jousting tournaments of the medieval period.

LS: Only I believe there was less emphasis in fighting from horseback than on foot; the[y are] heavily armed soldiers, you know, and they fight.

Student: Vigorously, but not . . . well, did Plato intend for them to try to injure one another?

LS: Not try, but if it is a tough thing . . . well, you know very well that in any of these kind of things people can be hurt. And Plato says that should be the least worry even if someone is killed in the process. And it is on the whole better if every year one or two or three die.

Student: It is something like what we would call war maneuvers.

LS: Yes, sure. And therefore, I used the more contemporary example of live ammunition versus non-live ammunition, i.e., blanks. The desire for wealth and the desire for easy living are supposed to go together, which is not a hard demand on our credulity, I believe. Rich people generally live more pleasantly than the poor ones, and many people are induced to prefer wealth to poverty because they like not money but what money can

buy, a pleasant life. This needs a long story because there are of course also misers, as we know, but they are rarer than the people who like money for use.

Now there is an important passage at the end of 831, where he describes how money and the desire for money affect differently different people. That is on page 135, bottom, to 137, top.

Student: Before you pass on, is there any reason for Plato's associating freedom of poetic speech with military operations? I mean, he sort of interchanges and alternates between them in the same passage, and it would seem to me that these are normally separate subjects. I wondered if there is a reason for him putting them together in this section.

LS: That is a very good question. Last time, in the discussion of the various subjects regarding music, of education, there is an enumeration which comes out very clearly in the text afterwards. Then he sets off the various topics by such expressions as "furthermore," "moreover," and so on, and it becomes somewhat unclear toward the end, and I couldn't make out precisely what it is. I would have to study it much more carefully than I can now. But the praise of good men is at least a very important subject. Now this jibes with the *Republic*: in the *Republic* it is said in the Tenth Book that legitimate poetry is limited to two themes: the hymns to the gods and praise of good men. Now since military prowess is a politically very important thing, praise must be given to the courageous warriors, naturally, and perhaps even more than to other things. You see, for example, you remember what he said about moderation: that there is a certain kind of moderation, or temperance which one can expect from everyone, but which on the other hand doesn't give any title to distinction. You know, common decency, and no one will be praised for being commonly decent. But for someone who does great exploits of bravery in battle, he will be praised, naturally. The change I would say is here only this: that these poems in this connection are not supposed to be very good poetry. The main point is that the poets are, say, old generals. That is more important than that they are great poets. Naturally the great military past of the general gives the poem a splendor, if a non-poetic splendor, which poetic splendor could not supply. Later on we will see, when he makes a transition to sex, that there is another and more detailed reference to the muses, to poetry. And there he doesn't say that generals have to make the poems. Well, he doesn't say here, as a matter of fact, that it has to be generals but it is a good illustration, I believe, of what he proposes. Those of you who have a military past can very well imagine how this would have been if one day the general would have come and read a poem to you about your great achievements. That would have impressed you much more than a poem by Carl Sandburg,[iii] which militarily wouldn't exist, I think. It is funny, but the funniness is not created by us. It is really there in the subject matter, that inevitably people will produce this kind of poetry because there is a real demand for it and at all times. Now let us read this passage on the bottom of page 135.

[iii] Carl Sandburg (1878-1967), American poet, writer, and editor. Perhaps his most famous poem is "Chicago," which first appeared in *Poetry* magazine in 1914.

Reader:

> [Ath.:] Then let this which I describe be laid down as one cause which hinders the States from adequately practicing either military operations or any other noble pursuits and which turns men who are of a quiet nature into traders, ship-owners, and servants, while of the bold it makes pirates, burglars, temple-robbers, fighters and despots,—and that though, in some cases, they are not ill-natured, but merely ill-fortuned. (831e)

LS: Yes, this is an important statement: here he says how greed affects different natures. And first we have the famous Platonic distinction between orderly or modest, or moderate and temperate natures, and courageous or manly natures. Now the orderly ones are made traitors and such kind of people, and the others are made, to take the extreme case, temple robbers. The interesting thing is that traitors and temple robbers are treated on the same level; morally there doesn't seem to be a difference here. I would say there is even a slight excuse or sympathy for the second type. He says they are sometimes not of a bad nature but only unhappy. He doesn't make this qualification when he speaks of the first class of people. I thought that is quite interesting. That reminds of the passage in the First Book of Aristotle's *Politics*, when he enumerates the kinds of acquiring a livelihood which are in principle respectable; and robbing is mentioned among them.

Student: Piracy.

LS: Piracy, all right. But that is robbing. No, he says *lesteia*, if I remember well, which means also land robbery. I mean, why should sea robbers have this privilege which is denied to land robbers? And there an old, warlike morality of mankind is still reflected. And he does not say anything of this sort about traitors. The two things may go together. You can by force of arms compel people to buy from you and sell to you; that is an interesting intermediate case.

Student: Should this be connected then with the rank of virtues?

LS: Yes, from a certain point of view. But that is not simply true because common decency counts for something. That is ambiguous. There are Platonic passages to both effects. Here we must remind ourselves of the *Hipparchus*, among other Platonic dialogues, where he speaks of the subject of gain and of the ambiguity of this subject.

Now people are averse to these tough military exercises for two different reasons. The first is greed. And what is the second? Let us turn to the sequel; we can go on where you left off.

Reader:

> [Ath.:] Well, how could I describe otherwise than as utterly unfortunate men who are compelled to go through life with hunger always in their own souls?
> [Clin.:] This, then, is one cause: what is the second cause you speak of, Stranger?
> [Ath.:] You are right in reminding me.
> [Meg.:] One cause, as you assert—

LS: Now watch this. Clinias says this again. He changed that to Megillus, I believe, without any reason.

Reader:

> is this lifelong, insatiable pursuit, which wholly engrosses each man, and hinders each and all from rightly practicing military operations. Be it so: now tell us the second cause.
> [Ath.:] Do you think that I am delaying to do so because I am at a loss?

LS: The Athenian is hesitant to mention this point. This much is clear. And therefore he exercises an indirect compulsion on the interlocutor to repeat his question. What is the second cause? We must see why he hesitates.

Reader: [Meg.:] "No; but we think that, owing to a sort of hatred against the character you describe, you are castigating it more severely than is required by the argument now at[iv] hand."

LS: In other words, Clinias is not so averse to the greed for money[6] [as] our Athenian Stranger is.

Reader:

> [Ath.:] Your rebuke is just, Strangers; you want, it seems, to hear what comes next.
> [Clin.:] Only say on.

LS: Why? Why does he say "Only say on"? Because the Athenian still is silent, naturally. That is clear. What is then the second reason? That comes in the sequel.

Reader:

> [Ath.:] There lies a cause, as I affirm, in those non-polities which I have often mentioned in our previous discourse,—namely, democracy, oligarchy, and tyranny. For none of these is a polity, but the truest name for them all would be "faction State"; for none of them is a form of voluntary rule over willing subjects, but a voluntary rule over unwilling subjects accompanied always by some kind of force; and the ruler, through fear of the subject, will never voluntarily allow him to become noble or wealthy or strong or brave or in any way warlike. These, then, are the two main causes of nearly everything, and certainly of the conditions we described. The polity, however, for which we are not legislating has escaped both these causes; for not only does it enjoy a great amount of leisure, but the citizens also are free from one another's domination, and as a consequence of these laws of ours they will be the least likely of men to be money-lovers. Hence it is both natural and logical that of all existing polities this type alone should welcome the

[iv] In the Loeb: "now on hand."

> system above described, which combines military schooling with sport— (832b-d)

LS: Now what is the second reason, apart from greed, why most polities are averse to tough military training? I think it is a rather cryptic passage.

Student: The rulers are afraid of training the general populace in these virtues. In other words, they are afraid they will be overthrown.

LS: That is a very good point. In other words: in all other cities, he says, there is a subject population which has no share in ruling, and therefore the ruling segment is interested in not arming and training them.

Student: Might his hesitancy to continue with the second cause be connected with the subjection of the Helots[v] and the Perioeci[vi] in Sparta?

LS: That is also a good point. But at any rate, you see he is hesitant and he expresses himself with much less clarity on the second cause than on the first cause. But he means, I believe, also this broader subject, this very delicate subject: Can you arm everyone in a community in which there is not full freedom for all? Full freedom for all, that is to say, all obedience is based on voluntariness and in no way on force or compulsion. But is this so simply true of our city here? We must look at it dispassionately. Why not?

Student: Well, everyone is not able to be a citizen. There are those who are not first class citizens in the first place, and there is a group who controls those who are very closely.

LS: But still, the fact that there are people who are wealthier and other who are poorer, this kind of inequality does not make the first masters and second slaves, or something of this kind.

Student: No, but the people who are brought in as teachers and traders and so on do not have the status which these people have.

LS: Yes, and you have slaves, of course.

Student: But will they be engaged in these military things?

LS: No, surely not. But one reason, he gives us to understand, is that we need arms and an armed populace not only against foreigners but also against the domestic slaves. For both purposes, in both respects an army is needed, surely. But you see the delicacy with which he expresses himself about the subject. Plato was aware of the problem that here an element of injustice does come in, if we apply severe and strict standards, although he would say this kind of injustice is [no] worse than the other injustice: abolition of slavery.

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[v] A group of enslaved inhabitants of Sparta.
[vi] An autonomous group of free, non-citizen inhabitants in and around Sparta.

We must make this clear to ourselves. Let us beware of the basic flaw which we have. I believe one doesn't have to say excessive self-love as Plato [does]; one can use a more civil expression and say, I think, the basic flaw of all of us is that we want to eat the cake and have it. That is, I believe, more practical in seminar discussions to assume that. Now what is that? I know some people who love modern democracy and at the same time love Aristotle, and in order to reconcile these two things they minimize everything which is not bearable from the point of view of modern democracy. I think we shouldn't do that. Aristotle was a very venerable man, but he was not a democrat—we cannot deny that—and in particular he accepted slavery. And similar considerations apply to Plato. Now for Plato and Aristotle, the question could be stated as follows. They saw the injustice of slavery. Aristotle makes it very clear which kind of man could be justly enslaved, and they are of no use unless you have very much time to explain every little thing that these moronic fellows should do. They are not the slaves whom you could really use. But the question for him was this. A highly civilized society requires a leisured class, and that meant slavery. The choice is this: either you want to have a kind of drabness in which the higher faculties of man cannot develop—and there are some people who would say that is better because it is juster, but Aristotle and Plato would say then you do injustice to some people, and to the best people. The alternative is of course to close an eye a bit toward the rough and ready form of justice, to put it mildly, which is implied in getting slaves by war, as was in fact done.

Now let us see another passage which has something to do with the subject (832e, the speech after the next of the Athenian where you left off.)

Reader:

> [Ath.:] Most important of all things for war is, no doubt, general activity of the body, of hands as well as feet—activity of foot for flight and pursuit, and of hand for the stand-up fighting at close quarters which calls for sturdiness and strength.
> [Clin.:] No doubt.
> [Ath.:] Yet, surely, neither of these is of the greatest service when it lacks weapons.
> [Clin.:] Certainly not. (832e-833a)

LS: That is a very interesting remark. Xenophon, who was frequently a more openly witty man than Plato liked to be, has a nice discussion in the *Anabasis* about when the ambassador of the Persian king comes and asks the Greeks to hand over their weapons. You remember what Xenophon says?

Student: Come and get them.

LS: No, no. It is more subtle.

Student: Well, when we keep our arms we keep our virtue.

LS: So they need their arms in order to be able to exercise their virtue. So virtue is the most important thing. But still, as far as this kind of virtue is concerned, you need arms.

Now we can easily enlarge that and take the Aristotelian formula, i.e., virtue needs equipment, and here such a question as wealth in all its harshness comes up again.

Now we drop the rest about gymnastics, which is at the end of 834, and find a new reference to music here, which we should perhaps read. 835, page 147.

Reader:

> [Ath.:] Of what character each of these ought to be in respect of words, songs and tunes, blended with rhythm and dance, has frequently been stated by the original lawgiver; the secondary lawgivers should follow him in their enactments, and they should arrange the contests at convenient times to suit the several sacrifices, and thus appoint festivals for the State to observe.
>
> Now as to these and the like matters, it is by no means hard to perceive how they should be given legal regulation, nor indeed would a shifting of their positions cause much gain or loss to the state. (835a-c)

LS: Now is this not a remarkable statement in the light of what we have read before? Did he not originally say that the severest possible freezing after the model of Egypt is desirable? Is this not strange? So you see how the position changes. And this is not just thoughtlessness or moonheadedness on[7] [his] part, but it has something to do with the subject matter. If you take the one extreme represented by the remark about what I called the generals' poems in praise of a soldier without any poetic quality—that is one extreme—the other extreme is the perfect freedom for the gifted poet. And in between you have then this kind of poet, but what they produce must be recognized by the political authority and must be frozen. Here the freezing is dropped. There is always, I am sure, a connection between these varying statements on poetry and the particular context in which [8][they are] made. And perhaps we can find this later. Here, to repeat, a much greater liberty for change is given than was before. Now read the sequel.

Reader:

> [Ath.:] [But the] things which do make no small difference, and of which it is hard to persuade men—these form a task especially for God (were it possible that orders should come from him): as it is, they are likely to require a bold man who, valuing candour above all else, will declare what he deems best for city and citizens, and in the midst of corrupted souls will enjoin what is fitting and in keeping with all the constitution, and gainsay the mightiest lusts, acting alone by himself with no man to help him save, as his solitary leader, Reason. (835b-c)

LS: Here he says the best solution would be if a god could do that, if it were only possible that commands could come from him. The implication being, positively stated: there are no commands from gods. Aristotle states the same thing very clearly, more clearly than Plato here, toward the end of the *Eudemian Ethics*. You know, there are three Aristotelian *Ethics* traditionally ascribed to Aristotle. One, the most famous, is the *Nicomachean Ethics*, which everyone calls the *Ethics*, and then there is also one called the *Eudemian Ethics*, the *Ethics* ascribed to Eudemos. And toward the end of this there is a very important passage from all points of view in which Aristotle says, among other

things, god does not rule by issuing commands. He doesn't deny that god rules, but he does not rule by issuing commands. How then can god rule if he does not rule by issuing commands? Well, by being what he is, by being the end. That has something to do with the great issue discussed by Plato: whether piety consists in doing what the god does, i.e., imitation of god, or doing what god tells men to do; in other words, what god gives commands about. That is impossible, and therefore one needs a daring man, a man who dares to do what only a god could really do.

There is then this reference to music, and then he shifts into the discussion of sex in the immediate sequel. Now here we have to think also for one moment. Why should sex take the place of music? Let us say "eros" instead of "sex." Does this make sense, that the two are treated somehow as interchangeable?

Student: I can see that the ordering of them, or the treatment of them, might be similar. I can't see that the two are interchangeable. In other words, one might regard that both have to be made moderate or both have to be—

LS: No, no. Well, then you could take almost anything together. But does anyone see a connection between these two themes, love and poetry?

Student: The passionate element in both of them.

LS: Yes. I have heard that in present-day American slang they use the word romance for love. Now romance is of course originally one form of fiction, of poetry: the romantic quality. Love is an infinitely more poetic subject than eating and drinking; I don't have to labor that point. Lessing makes somewhere a remark, I believe in the [Laocoön], I think he says[9] that love originated the muse.

Student: [Inaudible]

LS: Yes, yes. There may be something to that. Now here the question arises regarding love in particular—the regulation here. And that is perhaps the most important illustration of the great theme discussed throughout the work: how pleasure and virtue go together, the thesis being that the most moral life is the most pleasant life. The concrete difficulty occurs here in this connection. Is the most noble life the most pleasant life? And that has something to do with the problem of bodily love.

Now let us begin here, since we cannot read the whole discussion, in 835e (page 149). Begin with the speech of the Athenian on that page.

Reader: [Ath.:] "Naturally: but I will try to explain myself more clearly. When in my discourse I came to the subject of education, I saw young men and maidens consorting with one another affectionately; and, naturally, a feeling—"

LS: Affection, I believe, is too strong an expression for *philophronos*. "In a friendly way."

Reader:

> of alarm came upon me, as I asked myself how one is to manage a State like this in which young men and maidens are well-nourished but exempt from those severe and menial labours which are the surest means of quenching wantonness, and where the chief occupation of everyone all through life consists in sacrifices, feasts and dances. In a State such as this, how will the young abstain from those desires which frequently plunge many into ruin,—all those desires from which reason, in its endeavour to be law, enjoins abstinence?— (835d-e)

LS: *Logos* he translates by reason. All right; reason attempts to become law. There is a tendency in reason to become a law. You remember perhaps the definition of law given in the *Minos*, the last definition. Do you remember it?

Student: Law is knowledge of reality.

LS: Not quite: wishes to be.

Student: But I thought that was changed in the end.

LS: Yes, sure. But the official definition is wishes. Now what he says in the *Minos* from the point of view of the law—that the law tends to be knowledge—he says now from the other point of view: that knowledge, let us say, tends to become law. But that means of course also that while there is a certain kinship (otherwise there would not be such a tendency) there is also a difference: that never will a law be simple reason and vice versa. So the difficulty was stated to begin with. We have here a class of people who have much free time on their hands and therefore the ordinary impediments do not exist. What shall we do about that? Continue.

Reader:

> [Ath.:] That the laws previously ordained serve to repress the majority of desires is not surprising; thus, for example, the proscription of excessive wealth is of no small benefit for promoting temperance, and the whole of our education-system contains laws useful for the same purpose; in addition to this, there is the watchful eye of the magistrates, trained to fix its gaze always on this point and to keep constant watch on the young people. These means, then, are sufficient (so far as any human means suffice) to deal with the other desires. But when we come to the amorous passions of children of both sexes and of men for women and women for men,—passions which have been the cause of countless woes both to individuals and to whole States—

LS: The "woes" is an addition not based on the manuscript. That is based only on the oldest Plato edition, not on the manuscript. The "woes" are not in there. "Of myriads of

things" we must say, because Plato would not say that eros is the cause of innumerable evils only. So.

Reader: "how is one to guard against these, or what remedy can one apply so as to find a way of escape in all such cases from a danger such as this? It is extremely difficult, Clinias." (835d-836b)

LS: He stresses this point again, that it is so very difficult and a subject of the utmost importance. Then in the sequel the question concerns in the first place, pederasty, as we see, because this was a special problem in Crete. There was a statement in the First Book according to which the Cretans had introduced this unnatural vice. Now let us see how he proceeds. Now he contends that it is unnatural as is shown by the beasts. Even the beasts are completely free from that, and all the more so should man be free of it. And a bit after that we can go on, page 151, middle.

Reader:

> [Ath.:] Moreover, that object which, as we affirm, the lawgiver ought always to have in view does not agree with these practices. For the enquiry we always make is this—which of the proposed laws tends toward virtue and which not. Come, then, suppose we grant that this practice is now legalised, and that it is noble and in no way ignoble, how far would it promote virtue? Will it engender in the soul of him who is seduced a courageous character, or in the soul of the seducer the quality of temperance? Nobody would ever believe this; on the contrary, as all men will blame the cowardice of the man who always yields to pleasures and is never able to hold out against them, will they not likewise reproach that man who plays the woman's part with the resemblance he bears to his model? Is there any man, then, who will ordain by law a practice like that? Not one, I should say, if he has a notion of what true law is. (836d-e)

LS: More literally, "if he has in his mind the true law." If the true law is in his mind. Only then. What about this argument? How does he argue, apart from the example taken from the beasts, which is perhaps not conclusive, for all I know? What does he say here? Why is this incompatible with virtue? He gives the specific argument for the two cases, for, as he says, the seducer and the seduced. Plato says the persuader and the persuaded. What does he say of the persuader and what does he say of the persuaded?

Student: Well, here he brings in the subject of virtue whereas in the earlier argument it was only an unnaturalness.

LS: Yes, that was one thing. And the argument regarding nature was simply taken from the conduct of all beasts. Beasts are strictly heterosexual, and therefore it is natural. That is one point. That of course does not settle completely the question, because man's nature is different from that of the beasts; therefore, the other consideration of virtue enters. What is the argument regarding virtue here?

Student: Well, the argument is simply that in neither case do these practices, sanctioned by law, lead to virtue. He mentions the virtue in specific.

LS: But different virtues in the two different cases. Now what does he say? The persuader cannot be temperate, moderate. The persuaded cannot be manly because he behaves like a woman. Does this settle the issue, because there are certain disagreements between these statements here and those in the *Banquet*, for example? What about if you turn it around, cannot the persuader be manly and the persuaded be temperate, moderate, modest and so on? That is a question.

Now the argument becomes terribly complex in the sequel, but we have to read about a page more.

Reader:

> [Ath.:] What then do we declare to be the truth about this matter? It is necessary to discern the real nature of friendship and desire and love (so-called), if we are to determine them rightly; for what causes the utmost confusion and obscurity is the fact that this single term embraces these two things, and also a third kind compounded of them both. (836e-837a)

LS: By the way, I would like to draw your attention to the fact that he uses here in this connection (836d7 and 837a3) the terms *eidos* and *idea*, the typically Platonic expressions for the idea, and this is not completely irrelevant. Now the question is this. There are three *eideis*, three forms or kinds. Which are they? There are two primary forms of love, and then there is one which is a compound of the first two. That is the great question. And in the sequel we will find a great mixup until we reach at the end a simple solution, which he could have stated right away if he had wanted to. I will say first what he says at the end. The clear cases, the clear forms, are love of the soul alone (what is popularly called Platonic love) and purely bodily love. And the mixture is the love of the body and soul together. But that is by no means clear from the beginning. Let us see how he goes on from here.

Reader: [Ath.:] "Friendship is the name we give to the affection of like for like, in point of goodness, and of equal for equal; and also to that of the needy for the rich, which is of the opposite kind; and when either of these feelings is intense we call it 'love.'" (837a)

LS: Eros, yes. So in other words, Eros is from this point of view the genus, and is divided into two types: love of equals for one another, and love of the poor or of the needy for the rich—love of unequals, that is to say. But the [love of] unequals is clearly defined as love of the needy for the rich, not love of the rich for the needy. Someone laughed, why?

Student: [Inaudible]

LS: But that would not be real love, would it? I mean, that would be love for the property of the rich but not love of the rich, unless you were to say that every merchant loves his merchandise because he watches it very carefully.

Student: He could also perhaps [inaudible].

LS: Did you ever read Plato's *Banquet*? There he gives a definition of eros in the form of a story. Eros is the child of poverty and, say, wealth. Poverty and wealth. Therefore eros consists essentially in striving for what he does not possess but for what his father possesses: wealth. Now this must of course be properly understood. The ordinary wealth is of no interest: the true wealth is the soul. But what is the main point in this remark? He says love is either love of equals—and we understand that—or of unequals. But in the case of unequals he excludes love of the rich, in any sense of the word "rich," for the poor, in any sense of the word "poor." That is an old story in Plato and Aristotle.

Student: The poor love them in some sense because they are wealthy, but the wealthy love the poor because they are poor [inaudible].

LS: But he doesn't speak of any love of the wealthy for the poor.

Student: Precisely, why should the wealthy love the poor? The poor are in need; the wealthy are not.

LS: So in other words, love is based on need. Yes, that is the axiom underlying both Plato and Aristotle. Love is based on need. Therefore a being which has no need cannot love. That is the great difference between Plato and Aristotle on the one hand, and the Bible, that the Bible recognizes a kind of love which comes from abundance and not from need.

Student: I don't know, but I was just trying to puzzle this out and it seems to me that love based on need is envy.

LS: No, not envy.

Student: Well, I mean clearly it is an entirely different thing, though perhaps not different than the case of the love or friendship between equals and likes. We can exclude this. And then we can possibly say that there is no love between the rich and the poor—I mean, not in a monetary sense, because in a sense it would be the same as saying a love between a man and a beast. There is two orders of being here.

LS: In other words, the inequality must not go beyond a certain point.

Student: Right, but if the inequality, if the unequal one somehow is made to be the equal, to be wealthy in a proper sense, then there is in him this love or this tendency because this is what he is meant to be. And that is why you can have the love ascending the scale but not coming down.

LS: But then it is a transformation of love of unequals into love of equals. The striking point is this, that he makes a perfectly simple and exhaustive distinction between love of

equals and love of unequals. That is a perfect distinction. But then he says instead of love of unequals, love of poor for rich, which is an incomplete distinction where the other thing, love of rich for poor, is absent. And why is it absent? Because Plato denies its possibility. The highest, the truly perfect, cannot love the imperfect, whereas the imperfect must love the perfect. All kinds of perversions may be, but they are bound to depend on the perfect for their being. And I think this is really the difference between the Bible and Plato. As he puts it in the *Banquet*, in the speech of Socrates it is made clear, love is a one-way street, one could say.[vii]

Reader: [Ath.:] "[The friendship which occurs] between opposites is terrible and fierce and seldom reciprocal amongst men, while that based on similarity is gentle and reciprocal throughout life." (837b)

LS: Now is this not remarkable: as if we had forgotten everything which went before. What was his suggestion regarding marriage, the typically Platonic suggestion in the *Laws* as well as the *Statesman*?

Student: Opposites should marry.

Different student: The poor should marry the rich.

LS: And to come to the more interesting point?

Student: The temperate the intemperate.

LS: In other words, love of opposites is recommended as necessary. If you would look up the passage 773b-c, where this is developed, you would see that even there he says that this love of opposites is in a way against nature. But here we have this friendship of like for like [which] is gentle. The question I would raise here is this: Is this eros? That exists. Say, two virtuous men loving each other, enjoying each other's company: Can this be called eros? Friendships of opposites, we are told here, is savage. You see, what he does is this: he replaces this friendship of the indigent, of the poor for the rich, by the love for the opposites. They are also unequal *qua* opposites. But that is a different point of view, and I believe it will become still more complicated.

Now let us look at that for one moment. Now if there is friendship of opposites, there could be (in theory at any rate) friendship of the rich for the poor—they are opposite—as well as for all other forms of opposites, for example, the friendship of the courageous and the temperate. But what is the relation between these two kinds of friendship, love for one's like or love for one's opposite, to the great question under discussion here, homosexuality and heterosexuality? We must never forget that. Now if we subsume homosexuality and heterosexuality under this overall distinction, love of like or love of opposite, what is homosexuality? I'm sorry. You have to spell it out even though it is somewhat distasteful.

[vii] There was a break in the tape at this point.

Student: Love of like for like.

LS: And heterosexuality? Love of opposites, because we would say these are opposite sexes. Then it would follow that homosexuality is gentle and heterosexuality is savage, passionate. Furthermore, friendship of like for like is something radically different, of course, [from friendship] of the poor or inferior, for the rich or superior. What I am driving at is this: we have friendship of like for like [LS writes on the blackboard], and then we have love for unlike. And this love for unlike may be on a different plane, by which I mean this: love of the poor for the rich, of the inferior for the superior, and then it may be the opposite on the same plane, male and female. This is at least the minimum we have to do in order to disentangle what Plato here entangled.

Student: But just one question. Is not, in the Platonic view, the love between man and woman, even though opposite on one plane, because of the equality of man and woman cannot that be love of equals?

LS: The love of men and women cannot be.

Student: Why can it not be in the Platonic frame of the equality of men and women the love of equals, or love of likes?

LS: But are they not opposite sexes?

Student: Sure.

LS: But let us take the simplest case of where there is real equality, say, virtuous men or for that matter vicious men. That is the clearest case. In the other case, where the two sexes come in, there is a problem of opposition.

Student: But in the Platonic view, this is the question I want to raise: What is Plato's meaning of love? If, as to love, your point of view is simply the difference between the sexes, it seems that it abstracts in a sense from the humanness quality of love, whereas what makes for the equality of the sexes is somehow the divineness in human nature.

LS: No, that Plato would say exists everywhere: that man, as one would put it today, transcends himself to the extent to which he is truly human. That would exist everywhere. And it also can be absent everywhere.

Student: But precisely because it does exist everywhere, meaning in man and woman both, then there can be a love of equals between them in this respect.

LS: Yes, sure, but it is not the clearest case of love of equals because the sexual opposition is there. If you look at it from one point of view, there is more likeness in the case of homosexuality than in the case of heterosexuality. Well, lest you be shocked, I would like to make it perfectly clear that Plato's opinion about homosexuality in the

narrow sense, as understood by law, is as strict as that of Moses and the Bible. But Plato was thinking of something else, always, namely, what he regarded as the highest activity of man. And there the question of the difference of the sexes plays a very great role. While Plato teaches officially in the *Republic* that there is equality of the two sexes regarding the highest possibilities of man, if you look at what Socrates does, he is always concerned with young men. There is not a single case where he talks to a girl. He talks all the time to boys. That has nothing to do with the idea that Socrates did improper things; his friend Alcibiades vouches for that. But the point is that Socrates expected more in the highest respect from young males than from young females. That is what he is ultimately driving at. Plato would be the last to deny that, although in a very different perspective than that of Freud; if you call this [a] very sophisticated form of homosexuality, you may call it that way. It is not meaningless, only Plato would say you cannot understand this as a derivative from vulgar homosexuality but rather the other way around. I know the subject is alien to us and somewhat distasteful to us, but we have to face that and especially because we cannot properly understand this passage if we do not take this into consideration.

Student: Well, I was just wondering if the discourse between philosophers on the highest level, the highest discourse, if this would ever be conceived of by Plato as love for . . .

LS: No, that is what I said. Friendship, yes, but not eros.

Student: Okay. The thing is that I am trying to find a meaning for these words.

LS: I think one can state what Plato means as follows. If the element of promise is absent, it is not eros. When Plato and Aristotle would discuss something with each other, Aristotle is no longer a promising young man. Plato knows what he is and vice versa, and therefore this element of tension which goes together with promise is absent. But when he talks to a pupil, a young man, where it is touch and go, then it can more properly be described as erotic. But you can also use eros in an enlarged sense, as he does here where he says it includes also love of like as well as love of unlike, and then these substitutes [come in]; and perhaps one has to use other substitutes.

Student: The problem I have is this. It is clear to say that friendship, as described here, and lust are two entirely different things—that they are so different that they hardly even fit . . . .

LS: That is not quite so for Plato. That they are radically different, sure. But there is also a certain kinship between them. There are passages in which Plato treats body and soul as radically opposed in every respect. But there are also passages in which the body is presented as reflecting the soul. For example, if you think of such a thing and if you take the simple bodily desires, they require surely the closest possible proximity. But does not friendship, in the strict sense of the word, also require some degree of proximity? An epistolary friendship is not quite the same as a friendship which lives in the element of the personal exchange. That is not so simple. For Plato, the body is in a sense the opposite of the soul, but it is also a reflection of the soul. In other words, what the

legislator has to say is something very hard and fast and unambiguous, but the phenomenon itself is not so unambiguous. Or think of something: If one loves another human being—and I am speaking now of love in the wider sense of the word—really loves that person, what part of the body does one love most? Take it even on the level of ordinary heterosexual love, and I believe the answer is unambiguous: the head, strange as it may sound. Because the head is the most personal part, and not the so-called sexual organs. But you see here the transition from the merely bodily to the spiritual. And when the Greeks say, for example, in this beautiful verse with which the *Antigone* begins, when Antigone says: "Thou common sisterly Ismene head"—I translate literally. Head. Surely, they are sisters, and that is a special case, but it would apply also to heterosexual love. The head is that part of the body with which we are mainly concerned in love as love, and that shows that the physical love is not merely physical. But one could also turn it around and say the merely spiritual love is from Plato's point of view not merely spiritual, because it is a love of beings consisting of body and soul—and therefore the importance of physical presence, as we say, for the full actuality of friendship, not merely epistolary [communication]. We would vulgarly say physical presence, or personal presence, which amount to the same thing, however. It shows that this is not so simple.

The legislator must speak, as we have learned from Plato, with an absolute absence of any ambiguity. But that means also that he has to speak with considerable crudity, to forget about the complexity of these things. Now let us continue in the immediate sequel. Reread the sentence you read last.

Reader:

> [Ath.:] [The] friendship which occurs between opposites is terrible and fierce and seldom reciprocal among men, while that based on similarity is gentle and reciprocal throughout life. The kind which arises from a blend of these presents difficulties,—first, to discover what the man affected by this third kind of love really desires to obtain, and, in the next place, because the man himself is at a loss, being dragged in opposite directions by the two tendencies,—of which the one bids him to enjoy the bloom of his beloved, while the other forbids him. For he that is in love with the body and hungering after its bloom, as it were that of a ripening peach, urges himself on to take his fill of it, paying no respect to the disposition of the beloved; whereas he that counts bodily desire as but secondary, and puts longing looks in place of love, with soul lusting really for soul, regards the bodily satisfaction of the body as an outrage, and, reverently worshipping temperance, courage, nobility and wisdom, will desire to live always chastely in company with the chaste object of his love. But the love which is blended of these two kinds is that which we have described just now as third. Since, then, love has so many varieties, ought the law to prohibit them all and prevent them from existing in our midst, or shall we not plainly wish that the kind of love which belongs to virtue and desires the young to be as good as possible should exist within our State, while we shall prohibit, if possible, the other two kinds? Or what is our view, my dear Megillus? (837b-d)

LS: Now let us read Megillus's answer, because here the Athenian addresses Megillus explicitly and not Clinias.

Reader: [Meg.:] "Your description of the subject, Stranger, is perfectly correct." (837d-e)

LS: More literally, the last [is] very emphatically stated in the Greek: "What you have said *now*." In other words, what went before either he didn't understand or he felt that it was much too complicated for his comfort. So the final solution is perfectly simple and clear and fit for legislative treatment. We have the two clear and unambiguous cases of love: purely chaste and purely unchaste. And then there is a mixture of the two, where the body comes in, and then of course one can immediately draw the conclusion that the mixture is between likes in soul and unlikes in body, namely, marriage of men and women of the same temper—which is however not quite what we were promised to begin with, you remember, where we were supposed to get men and women of unlike temper. The alternative would be between unlikes in soul and likes in body, and that is excluded here. Now here the great question arises, then, as was stated at the beginning: How to control or abolish the unchaste forms of eros?

Student: Is the mixed one the one that is accepted?

LS: No. Preferably even not the mixed one.

Student: In which case, how does he get his future citizens?

LS: You should know that; that is a simple answer. I think Augustine has replied to this question once.

Student: I don't know. I never heard it.

LS: Well, regarding the problem of celibacy. Well, if the end of man would come? You know.

Student: There is no need.

LS: Yes, sure, that is best.

Student: But this is the *Laws* and not the *Republic*.

LS: I know, but as Aristotle says, when he discusses the *Laws*, that while the *Laws* seems to be very different form the *Republic* Plato in the end comes always back to that—[namely,] what he is driving at in the *Republic*. No, surely he does not mean it as a practical and serious proposal, I grant you that. But this is a most difficult passage in which all the discussions of the *Banquet*, these long discussions, are concentrated and one would have to make infinitely more subtle divisions and sub-divisions than those which I made in order to bring out the whole problem. But Plato indicates the problem by this

great mixup. Here surely, Plato, making the greatest concession to pure spiritualism, says: If we could abolish the body altogether, that would be the best solution. And there is even Platonic evidence for that. What does he say in the *Phaedo*? What does Socrates say in the *Phaedo*? What do the philosophers do? They long to die, to become completely separated from the body. Surely that is not the only Platonic statement. Well, I'm sorry Mr. ___.

Student: No, no, I think this is quite logical.

LS: Yes. Yes, sure. It may be logical but it is not exhaustive, and for this reason Plato wrote not only the *Phaedo* but he wrote also the *Banquet*,[10] which is a kind of glorification of the eros of the living with a view to procreation. That's also—both things are there and how they are connected is a long story. But there is always one solution in Plato's opinion, I think, to all these difficulties: that there is only one perfectly satisfactory solution, and that is philosophy. Philosophy reconciles in itself both the eros for life and the longing for death, as well as the loving for justice and whatever you have.

But let us now come back to our practical question. We must never forget that we are reading a political book, and if I state it in the proper generality you will see it is a political problem, as you would recognize in the *Sun Times* or whatever you read concerning the reports of Calumet City and this girl from the University of Chicago, how to control or abolish the unchaste forms of eros. And now let us read the sequel.

Reader: [Ath.:] "I know of a device at present for enacting this law, which is in one way easy, but in another quite the hardest possible." (837e-838a)

LS: "Device" is a bit [of an] unnecessarily free translation. An "art," *techne*. He has *techne* for solving that problem which is, by the way, an indication of the fact that it is not simply a natural solution. Now let us go on.

Reader:

> [Ath.:] Even at present, as we are aware, most men, however lawless they are, are effectively and strictly precluded from sexual commerce with beautiful persons,—and that not against their will, but with their own most willing consent.
> [Meg.:] On what occasions do you mean?
> [Ath.:] Whenever any man has a brother or sister who is beautiful. So too in the case of a son or daughter, the same unwritten law is most effective in guarding men from sleeping with them, either openly or secretly, or wishing to have any connexion with them,—nay, most men never so much as feel any desire for such connexion.
> [Meg.:] That is true.
> [Ath.:] Is it not, then, by a brief sentence that all such pleasures as quenched?
> [Meg.:] What sentence do you mean?

LS: We could almost say "a little word": these pleasures are quenched by a little word, or a little saying.

Reader:

> [Ath.:] The sentence that these acts are by no means holy, but hated of God and mostly shamefully shameful. And does not the reason lie in this, that nobody speaks of them otherwise, but every one of us, from the day of his birth, hears this opinion expressed always and everywhere, not only in comic speech, but often also in serious tragedy—as when there is brought onto the stage a Thyestes or an Oedipus, or a Macareus having secret intercourse with a asister, and all these are seen inflicting death upon themselves willingly as a punishment for their sins? [Meg.]: Thus much at least you are quite right in saying—that public opinion has a surprising influence, when there is no attempt by anybody ever to breathe a word that contradicts the law. (837e-838d)

LS: Well, he doesn't say "public opinion," of course, but *phēmē*, which means utterance. I don't know how to express it. Public opinion has too many modern connotations which are absent. The word "public opinion" is of a very recent origin. "Rumor" would be the more literal [translation], i.e., what everyone says all the time. "Rumor" would be the literal translation of *phēmē*. In other words, to come back to our question: that [the] unchaste forms of eros can be controlled or abolished is shown with utmost clarity by the prohibition against incest, where the very desires are quenched by virtue of the sacred prohibition against incest. But this is important: a *sacred* prohibition. There is no absence of a natural possibility of that. That was a long discussion in the past which is, as many such things, implicitly underlying present-day social science discussions. It is very interesting to read, for example, in Grotius' *War and Peace* (Book 2, chapter 5, paragraphs 12 to 13) the discussion as to whether the prohibitions against incest are due to natural law or to divine law. The answer is, roughly, that apart from the prohibitions against intercourse between parents and children, all others are based on divine law. That is a very instructive section because it summarizes the whole earlier discussion. Still, the example is important. Certain forms of human sexual relations which are physically possible are completely ruled out, and the very desires for them ruled out, by prohibition. Why cannot we do the same regarding all other forms? Why cannot all other forms of unchaste love, say, even of bodily love in general, be taken care of by a sacred prohibition? Well, what would you suggest prior to reading on? Why can't you do so easily regarding adultery, for example, what you can do so easily regarding incest? It is really a difficult question. Now let us read on. In the sequel he illustrates the problem still more fully, and it appears that the difficulty is much greater here than in the case of incest, or in other words, consecration of the prohibition would not be sufficient. Now let us read after the beginning of 839 (page 159, bottom).

Reader:

> [Ath.:] This law, when it has become permanent and prevails—if it has rightly become dominant in other cases, just as it prevails now regarding intercourse with parents,—is the cause of countless blessings. For, in the first place, it follows the dictates of nature, and it serves to keep men from sexual rage and—

LS: He doesn't say "dictates of nature" because nature cannot dictate properly speaking. "According to nature."

Reader:

> and frenzy and all kinds of fornication, and from all excess in meats and drinks, and it ensures in husbands fondness for their own wives: other blessings also would ensue, in infinite number, if one could make sure of this law. Possibly, however, some young bystander, rash and of superabundant virility—

LS: We must not be ashamed to translate literally: "full of much *sperma*, seed." In other words, the physical abundance in him forces him to say that. Continue.

Reader:

> on hearing of the passing of this law, would denounce us for making foolish and impossible rules, and fill all the place with his outcries; and it was in view of this that I made the statement that I knew of a device to secure the permanence of this law when passed which is at once the easiest of all devices and the hardest.

LS: The easiest what? In other words, the consecration in itself is an easy act of the legislator, but the enforcement and putting into practice are the most difficult.

Reader:

> For while it is very easy to perceive that this is possible, and how it is possible—since we affirm that this rule, when duly consecrated, will dominate all souls, and cause them to dread the laws enacted and yield them entire obedience—

LS: Literally, "will enslave every soul."

Reader:

> yet it has now come to this, that men think that, even so, it is unlikely to come about,—just in the same way as, in the case of the institution of public meals, people refuse to believe that it is possible for the whole State to be able to continue this practice constantly; and that, too, in spite of the evidence of facts and the existence of the practice in your countries; and even there, as applied to women, the practice is regarded as non-natural. Thus it was that, because of the strength of this unbelief, I said that it is most difficult to get both these matters permanently legalised. (839a-d)

LS: And Megillus admits that he is quite right. In other words, the introduction of common meals is easier than what he is planning to do. Now let us see how he goes on, because he must after all get some solution, some practical solution.

Reader:

> [Ath.:] Still, to show that it is not beyond the power of man, but possible, would you like me to try to state an argument which is not without some plausibility?

> [Clin.:] Certainly.
> [Ath.:] Would a man be more ready to abstain from sex-indulgence, and to consent to carry out the law on this matter soberly, if he had his body not ill-trained, but in good condition, than if he had it in bad condition?
> [Clin.:] He would be much more ready if it were not ill-trained.
> [Ath.:] Do we not know by report about Iccus of Tarentum, because of his contests at Olympia and elsewhere,—how, spurred on by ambition and skill, and possessing courage combined with temperance in his soul, during all the period of his training (as the story goes) he never touched a woman, nor yet a boy? And the same story is told about Crison and Astylus and Diopompus and very many others. And yet, Clinias, these men were not only much worse educated in soul than your citizens and mine, but they also possessed much more sexual vigour of body.
> [Clin.:] That this really happened in the case of these athletes is indeed, as you say, confidently confirmed[viii] by the ancients. (839d-840b)

LS: That is only hearsay. And also you must not forget that he speaks of the acme, of the peak, of their training. What they did when they were not in training we are not told. That is very funny. In other words, Plato knows quite well how difficult it is.

Reader:

> [Ath.:] Well, then, if those men had the fortitude to abstain from that which most men count bliss for the sake of victory in wrestling, running, and the like, shall our boys be unable to hold out in order to win a much nobler victory—that which is the noblest of all victories, as we shall tell them from their childhood's days, charming them into belief, we hope, by tales and sentences and songs.
> [Clin.:] What victory?
> [Ath.:] Victory over pleasures,—which if they win, they will live a life of bliss, but if they lose, the very opposite. Furthermore, will not the dread that this is a thing utterly unholy give them power to master those impulses which men inferior to themselves have mastered? (840b-c)

LS: First of all, we need charm—these myths and stories—but also (and that is emphasized in the Greek, 840c6-7) in addition to that, furthermore: fear. Charms and fear will be needed. Now this example discussed here is the only concrete example, as far as I can see, [which] discusses[11] the assertion that the noble life is identical with the pleasant life. One would have to read some very problematical novels but novels on a very high order in order to understand that problem. In other words, not glorifying vulgar excesses. Some novels tell this story; for example, Rousseau's *Nouvelle Heloise* is such an attempt to describe that problem of a very deep love of a man and a woman, which is of course also bodily love. They become unhappy by the fact that they cannot be united. And I suppose there are other stories with which you are familiar. That is a kind of test case here. Is it true in this most important case that the moral life, the noble life, is identical

[viii] In the Loeb: "confidently affirmed."

with the pleasant life? The difficulty of making it stick in this crucial case is stated with the greatest possible clarity by Plato, as you have seen here.

But even this is not quite enough. We need some more help now. Let us read the sequel.

Reader:

> [Ath.:] Now that we have reached this point in regard to our regulation, but have fallen into a strait because of our cowardice of the many, I maintain that our regulation on this head must go forward and proclaim that our citizens must not be worse than fowls and many other animals which are produced in large broods, and which live chaste and celibate lives without sexual intercourse until they arrive at the age for breeding; and when they reach this age they pair off, as instinct moves them, male with female and female with male; and thereafter they live in a way that is holy and just, remaining constant to their first contracts of love—

LS: You must admit that Plato goes a bit far by ascribing to these birds—pigeons, probably—a kind of marriage contract, *homologia*, an agreement. They are protected against any dangers by their absence of reason. They lack the wits of choice which man has. And they should be better than beasts, sure[ly].

Reader: "surely our citizens should at least be better than these animals."

LS: But this too is not enough, as the sequel shows.

Reader:

> If, however, they become corrupted by most of the other Hellenes or barbarians, through seeing and hearing that among them the "lawless Love" (as it is called) is of very great power, and thus become unable to overcome it, then the Law-wardens, acting as lawgivers, must devise for them a second law.
> [Clin.:] What law do you recommend to them to make if that which is now proposed slips out of their grasp? (840c-841a)

LS: You see, in other words, even this law will not do. The law, the charms, and the fear will not do; an additional law is needed.

Reader:

> [Ath.:] Evidently that law which comes next to it as second.
> [Clin.:] What is that?
> [Ath.:] One ought to put the force of pleasures as far as possible out of gear, by diverting its increase and nutriment to another part of the body by means of exercise. This would come about if indulgence in sexual intercourse were devoid of shamelessness; for if, owing to shame, people indulged in it but seldom, in consequence of this rare indulgence they would find it a less tyrannical mistress. Let them, therefore, regard privacy in such actions—yet not the entire avoidance of such actions—as honourable—sanctioned both by custom and by unwritten

> law; and want of privacy as dishonourable. Thus we shall have a second standard of what is honourable and shameful established by law and possessing a second degree of rectitude; and those people of depraved character, whom we describe as "self-inferior," and who form a single kind, shall be hemmed in by three kinds of force and compelled to refrain from law-breaking. (841a-c)

LS: Now what is this clever second law, then, if we spell it out?

Student: If you can't get rid of it altogether you might as well hide it.

LS: In other words, while the legislator in his wisdom will not forbid sexual relations, he will forbid public sexual relations, which I believe he does everywhere in the world. It is no great innovation. But still we have some difficult cases left, and he will dispose of them in the sequel. This is an extremely funny passage, but I believe one would misunderstand Plato very grossly if he would believe that he was not aware of this while writing it. Continue.

Reader: [Ath.:] "That of godly fear, and that of love of honour, and that which is desirous of fair forms of soul, not fair bodies."

LS: Now the three things: piety, love of honor, and what is the third? I think we can call the third true eros. We have read a passage earlier, 783a, where he distinguished three things: fear, law, and the true logos. Fear, corresponding here to the fear of the gods; the law with its praising and blaming, which corresponds to the love of honor; and the true logos corresponding to the true eros. And now we come to the final statement on this subject.

Reader:

> The things I now mention are, perhaps, like the visionary ideals in a story; yet in very truth, if only they were realized, they would prove a great blessing in every State. Possibly, should God so grant, we might forcibly effect one of two things in this matter of sex relations—

LS: Now two things, two alternatives are stated in the sequel. First:

Reader:

> either that no one should venture to touch any of the noble and freeborn save his own wedded wife, nor sow any unholy and bastard seed in fornication, nor any unnatural and barren seed in sodomy,—or else we should entirely abolish love for males, and in regard to that for women, if we enact a law that any man who has intercourse with any woman save those who have been brought to his house under the sanction of Heaven and holy marriage, whether purchased or otherwise acquired, if detected in such intercourse by any man or woman, shall be disqualified from any civic commendation, as being really an alien,—probably such a law would be approved as right. (841c-e)

LS: Now let us see. What are the alternatives? It is not so easy to figure them out. One is tougher than the other. I think the key is the beginning of the second alternative: or else to take away completely sexual relations between males, which would seem to say that the first did not completely take it away. Then I would understand the first alternative as follows. Permission for the lighter forms of pederasty and no strict privacy of legal intercourse with one's wife, and also no definite penalty. The second, which is the more political: strict prohibitions against all pederasty, severe prohibitions against any non-privacy, but apparently intercourse with slave girls would be permitted. At any rate, no strict monogamy. In other words, I believe he means either strict monogamy plus indulgence for the lighter form of pederasty, or no strict monogamy plus severe prohibitions against pederasty.

Student: I don't understand this about the slave girls.

LS: Well, what are bought women?

Student: He says those who have been brought to his house under the sanction of heaven and holy marriage.

LS: Sure, that sounds as if it were marriage between a citizen and a woman citizen, but later on he adds this qualification: bought ones.

Student: Does he mean regular concubinage?

LS: But you must not forget that in the first, he speaks also [of the proviso] that he mustn't touch any freeborn. What about the non-freeborn? That is omitted. In other words, it boils down in the end to what is more or less the common practice of mankind—practice, I am not speaking of the laws. That is to say, the legislator cannot enforce completely the laws regarding these matters, and especially among unmarried people. You must not forget that. Men have in former ages been more indulgent to men, [to] the escapades of men than to escapades of women, married women, for the obvious reason that the inheritance is much more affected by an adultery of the wife than by an adultery of the man.

Student: I don't understand the relation between two alternatives you sketched above.

LS: Well, I think the key is given in this strange passage, 776a-b, when he speaks about what the newlyweds do. They go to that country place because they shouldn't be all the time with the mothers-in-law and fathers-in law; familiarity produces, not necessarily contempt, but friction and satiety. And now the question was raised already at that time: What about the married people themselves? The honeymoon doesn't last forever. And therefore, if that is so, then there must be some outlet for what cannot be satisfied by a permanent relation like that of marriage.

Student: Well, it seems to follow in the first case, but in the case of no strict monogamy then no pederasty, that seems to . . . .

LS: Sure, because the outlet exists then elsewhere. I'm sorry that I have to speak about these unsavory subjects, but I think that is the most important theme of the Eighth Book. Incidentally, that raises this question whether in studying the *Laws*, where Plato was compelled by his self-imposed task to sketch a code and had to bring in all kinds of things which are of no interest to anyone except to the people who are so unfortunate as to deal with them—e.g., how the water should be arranged between the farms and this kind of thing—[whether and] how one could externally distinguish these dull but necessary parts from the interesting parts. And I wonder whether the mere distinction between the more dialogical parts and the strictly monological parts would not be of some help. So in other words, as long as such things of a purely technical nature are discussed, the Athenian can go on and on and on, that is so. But in the moment the interesting human problems come up, a dialogue emerges. I do not know whether this would work universally but it would certainly be worthwhile. But we cannot completely dismiss the immensely important practical subject discussed at the last section of the book, man's means of livelihood.

Now the general notion is not very difficult. The citizens have to be farmers—of course not working it themselves; they have slaves. Craftsmen as well as traders have to be foreigners or resident aliens, and no resident alien has a right to, say, stay on indefinitely. There is a maximum time. What was it? Twenty years. And if he is born in the country the twenty years begin to count when he is fifteen. But he may persuade the authorities that he should be permitted to stay on. If he is a particularly valuable man, they would want to keep him. In 846d there is one passage which I think we should read, page 183, beginning of paragraph.

Reader: [Ath.:] "Moreover, for craftsmen we ought to make regulations in this wise. First, no resident citizen shall be numbered among those who engage in technical crafts, nor any servant of a resident." (846d)

LS: I think we leave it at that: the perfect prohibition against citizens having anything to do with a craft. That is also Aristotle's point of view, by the way. When you read the Third Book of the *Politics* he comes out with the same proposition. I believe these were the most important, or the most striking, parts of the Eighth Book. There may be quite a few which we missed, naturally. But I think one can say, subject to revision on the basis of more careful reading, that just as fear was the great theme underlying the Seventh Book, eros is the great theme of the Eighth Book, by which I do not mean that it accounts for everything. For example, the subject of livelihood has importance in its own right, but it is also a relatively uninteresting subject because the solution, while being very paradoxical to us—a citizen body consisting only of farmers—was not paradoxical at all in classical antiquity. It was characteristic of the aristocratic city. As Aristotle says in the Third Book, democracy permits all occupations to have a share in the polis; the oligarchic makes it dependent on wealth, so that a wealthy craftsman will have full citizenship rights. By working hard as a blacksmith or whatever it may be, he could acquire full citizenship rights. And aristocracy would exclude these professions regardless of how wealthy the men are, the notion being that farming (of course not if you do the farming

yourself, then you are occupied the whole day, especially prior to tractors and such devices) or [living as] a kind of squire, not very rich, but a kind of squire's life. [. . .] The notion was that in this activity you are truly free because you do not depend for your livelihood on other human beings: you live on nature. You don't live by virtue of any exchange. You grow what you need yourself; the surplus, of course, you exchange, but the exchange is not the basis of your existence. You do not work for the market, whereas not only the trader but the craftsman works for the market, and therefore depends essentially on other human beings. This, incidentally, is the reason why Aristotle thinks that the robber (the pirate, if you prefer) is in a way noble, because he doesn't ask other people, as we all know. But to ask someone and to be obliging to someone else merely with a view to one's livelihood, as both the trader and the craftsman would—they depend on their customers—is degrading. The farmer as farmer doesn't have to do it; he is master in his own house. That is the simple notion which played such a role and [of] which, I think, you find traces here and there even in the modern world, and even in a highly technological world like the United States. Because there is really something in the nature of these things which confirms that—by which I do not recommend a relapse into exploded principles.

[end of session]

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[1] Deleted "the."
[2] Moved "death."
[3] Moved "life."
[4] Deleted "to."
[5] Deleted "poetical."
[6] Deleted "than."
[7] Deleted "the."
[8] Deleted "it is"
[9] Deleted "something."
[10] Deleted "The *Banquet."*
[11] Deleted "of."

Session 12: February 24, 1959

Leo Strauss:[i] What I like particularly is that you tried to understand the reasons not stated by Plato [for] why he makes different provisions for different crimes—and one has of course to think of it. You didn't do it in all cases; that would have led you too far. But I believe the funny examples which you gave would on reflection show, however mad it may be, that this madness has method. For example, that assault of the father by the child is much severer than the other way 'round; and the analogy of the slave would be helpful—you know, you have to think of these seven kinds of titles to rule of the Fourth Book, where the master and the parents and so on come in, and whoever is higher is more protected. That is clear.

And the explanations you suggested, in the cases where you did, were sensible. You also became aware of the articulation of the Book,[ii] although this perhaps could be stated more clearly. But I confess that the difficulties are very great. Only one point I didn't understand: the suggestion regarding the Athenian Stranger and this particular anonymity. What did you say?

Student: I didn't want to press that thing too far, but one of the things I have been wondering about is that in this case you have a Platonic dialogue in which Socrates is not mentioned. And I think this is the only dialogue where he is not included.

LS: Yes, and where the identity is wholly obscure.

Student: And in my own impression I would wonder exactly why. I would assume that this wouldn't be accidental, since all the other works were there.

LS: And what was your suggestion?

Student: Perhaps that it had something at least to do with the question of obedience in the book. In other words, the other dialogues, in which Socrates is involved, are those which go at the main principles; for example, the *Republic* and the principle of justice. While this one, as they mention earlier, is a book which would have to do with certain things which are in a sense ignoble. Assuming that—

LS: Well, a lower level of the laws, that is sure, compared with the *Republic*. There is no question about that. But it is of course not universally true because Socrates preaches obedience, for example, in the *Crito* as well. And until further notice I still believe that my suggestion is preferable, namely, that this dialogue shows what Socrates would have done if he had accepted Crito's advice to run away from prison. He would not have gone to Thessaly, but he would have gone to Crete and would have provided the Cretans with

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[i] LS comments on a student's paper, read at the beginning of the session. The reading was not recorded.

[ii] Book 9.

the blessings of Athenian civilization. That is a purely "iffy" thing, because he did stay in Athens and accepted capital punishment, and therefore one would have to find out the reason underlying this choice. Why did he prefer death in Athens to civilizing Crete? And that is a long question, but I believe a question that can be rationally discussed. If Socrates had been forty instead of seventy he might have chosen that, because his old age is one reason why he refuses to accept Crito's advice. That is an obvious point.

But to come back to the more general point. The articulation of the Book, with which I can begin, is this. First, one can say, [we have] the three greatest crimes—at least they are crimes against the city as a whole: temple robbing or sacrilege in general; dissolution of the established regime; and treason. That is the first section, and then there follows another section, the importance of which you have clearly seen, and which I would say deals with the whole problem of punishment. You did not bring out clearly enough, or rather you didn't bring out at all, what the precise issue regarding punishment is from the point of view of the Stranger. In any penal code you must make a distinction between voluntary and involuntary damages, let me say voluntary and involuntary crimes. And the thesis of the Athenian Stranger is what, to begin with?

Student: To begin with, it is that all crimes that are done are involuntary.

LS: Yes, sure. So in other words, since virtue is knowledge, all crimes are involuntary. And that makes impossible any sensible code. That is the beginning of this discussion. That is the most important part of the book. I would agree with that. Then the third subject is homicide, which is also dealt with at very great length, and the somewhat shorter [treatment of] assault and battery. So the most blood-curdling crimes are discussed in Book 9. Theft is alluded to but not discussed; that comes later. That the examples are funny, for example, that of the beast and the brick is quite true, and other examples are also funny as we shall see. That of course also throws further light on the great problem of penal justice. We can perhaps clear this up a bit better later on when we turn to the details.

Now let us begin at the beginning (854d5el, page 202 in Loeb). Read that.

Reader:

> [Ath.:] "Whosoever is caught robbing a temple, if he be a foreigner or a slave, his curse shall be branded on his forehead and on his hands, and he shall be scourged with so many stripes as the judges decree, and he shall be cast out naked beyond the borders of the country; for, after paying this penalty, he might perchance be disciplined into a better life. For no penalty that is legally imposed aims at evil but it effects, as a rule, one or other of two results,—it makes the person who suffers it either better or less bad." (854d-e)

LS: Let us stop here for one moment. This is the first explicit statement about the purpose of punishment. But this is clearly incomplete. It makes him better or it makes him less bad. You can reduce it to one simple item. There is another famous purpose of law which is absent. What is that?

Student: Aren't there several?

LS: All right.

Student: The retributive aspect?

LS: That is not so important from Plato's point of view. The simple Platonic formula is improvement and deterrence. The deterring is not here. Now why can he be silent about it? Why can he neglect it completely? Well, let us read the immediate sequel.

Reader:

> [Ath.:] "But if any citizen is ever convicted of such an act,—that is, of committing some great and infamous wrong against gods, parents, or State—the judge shall regard him as already incurable, reckoning that, in spite of all the training and nurture he has had from infancy, he has not refrained from the worst iniquity. For him the penalty is death, the least of evils; and, moreover, by serving as an example, he will benefit others, when himself disgraced and removed from sight beyond the borders of the country—" (854e-855a)

LS: In other words, he seems to say here this: only [with] capital punishment, which of course cannot have an improving effect as far as the fellow to be killed is concerned, only in that case does he consider the deterring effect. But is it not also possible to say this (I don't know whether I can state it clearly enough): You punish a man; he becomes less bad and, as it were, he becomes also less contagious as far as criminality is concerned. Is this not the deterring effect implied? I wonder. Certainly it is true that the reference to improvement is impossible in the case of capital punishment. That much is clear.

Now in the sequel he turns to the crime against the established regime. And here . . . .

Student: Could I ask a question? Punishment itself is no longer a deterrent; it is the threat of punishment which is the deterrent. And the threat is written into the law.

LS: Yes, but there is this difficulty: if the threat never becomes actual, if the punishment never takes place . . . .

Student: Do you mean exemplary sort of punishment?

LS: No, I mean this. If you say the threat of punishment, what do you mean by that? The punishment must take place, of course, in other cases. And then the threat of punishment as far as I am concerned, if I plan a crime. Surely. In the moment I plan, I am not yet guilty in a legal sense. So it is the punishment, I would say, which has the deterrent effect. What are you driving at with your distinction?

Student: The law contains the threat of punishment, not the actual punishment. And one would be hesitant to do the act if he knew that there was the condition of the punishment to become actual.

LS: But is not that what the law clearly says: if you do that and that, you will be punished in that and that manner? I don't see the usefulness of the distinction between punishment and threat of punishment. It appears to me as an unnecessary subtlety. Of course, in my planning or considering a crime, punishment enters—not as the fact of my punishment, which would be wholly out of place since I am not yet guilty—[but] only as the threat of punishment. But it is the punishment actually practiced by my society in many cases which I have seen which actually deters me.

Student: I'm not sure; but doesn't a deterrent by its very nature refer to the future? You can't speak about deterrent here and now because as soon as the deterrent is used it is no longer a deterrent; it is something else.

LS: But the question is whether it is deterring if it is never actually put into practice.

Student: To use it in this respect, if it is put in practice it might still remain a deterrent for others but it would not be a deterrent for the person on whom it is being used.

LS: No, no. But prior to the crime.

Student: Prior to the crime is what I am talking about. It then exists in law; it doesn't exist in being, or however you want to call it.

LS: Yes, but you must not underestimate the fact that it exists not merely on the statute book or as a threat but in actual practice as far as others are concerned. There is a danger of dissolving the harshness and massivity of punishment by psychological considerations. I'm a bit afraid of that. And if I don't see a clear reason why this distinction is really necessary to make, I would be hesitant to accept it. That is my motive.

Now we then turn to the question of treason against the established order, and there the statements are quite clear. Not only these conspirators are punishable but also the magistrates, who not only out of cowardice fail to act but[1] who [also] are not watchful enough to observe it. I think that is a very sensible point. And [this law], if enforceable, goes very much to strengthen the back of the government in existence. That in such matters carelessness cannot be tolerated. That is very strong. But then we have a very strange transition in the end of 856e, page 211 to. Will you read that?

Reader: [Ath.:] "Moreover, a third general law shall be laid down, dealing with the judges to be employed and the manner of the trials, in cases where one man prosecutes another on a charge of treason—"

LS: Now the third point is then really treason, after sacrilege and crimes against the established regime.

Reader:

> and concerning the offspring, likewise, whether they are to remain in their country or be expelled, this one law shall apply to the three cases of the traitor, the temple-robber, and the man who wrecks the State laws by violence. For the thief also, whether he steals a great thing or a small, one law and one legal penalty shall be enacted for all alike: first, he must pay twice the value of the stolen article, if he loses his case and possesses enough property over and above his allotment wherewith to pay; but if not, he must be put in prison until either he has paid the sum or has been let off by the prosecutor. And if a man be cast in a suit for theft from the State, on obtaining pardon from the State, or after payment of double the sum stolen, he shall be let out of prison.
>
> [Clin.:] How comes it, Stranger, that we are ruling that it makes no difference to the thief whether the thing he steals be great or small, and whether the place it is stolen from be holy or unhallowed, or whatever other differences may exist in the manner of a theft; whereas the lawgiver ought to suit the punishment to the crime by inflicting dissimilar penalties in these varying cases?
>
> [Ath.:] Well said, Clinias! You have collided with me when I was going, as it were, full steam ahead, and so have woken me up. You have reminded me of a previous reflection of mine, how that none of the attempts hitherto made at legislation have ever been carried out rightly—as in fact we may infer from the instance before us. (856e-857c)

LS: Let us stop here for a moment. Now that is, I think, a very rare case, if not the unique case, that the Athenian reacts to criticism of the Cretan in this way, i.e., that you have caught me dozing. What happened? That one must understand. Now the first difficulty, I believe, is created by the question of theft itself, which is brought in here and then completely dropped for the rest of the Book. Perhaps theft means something more than what it appears [to] at first glance. Now the Greek word for stealing, *kleptein*, has a broader meaning than the English word. Primarily of course it means to steal, but it means also to do something secretive, to do something while escaping notice. For example, Socrates in some dialogues, e.g., the First Book of the *Republic*, where Thrasymachus says once to Socrates: You steal by words, by speeches. To do something in a deceptive manner. Now if you turn back to the first law which we read, let us look at that again. You remember that, about the temple robber? Whoever will be *caught* while he is robbing temples. Now this is the most basic principle of all penal law: that not the crime is punished but the discovered crime. The legislator in his wisdom, of course, never says so except here in this particular case where Plato wants to make it clear. Whoever steals money from a public treasury *and is caught* will be . . . otherwise it would be a kind of travesty of law, a kind of admonition to future Mr. Hodges[iii] not to be caught; and therefore it is preposterous. But it is a very important thing, and it shows a certain fundamental and inevitable defect of all penal justice: that it is inflicted only on those who are caught and not on those who deserve it, to say nothing of the difficulty arising from the famous use of evidence. If someone is found guilty by virtue of certain rules of

[iii] The identity of Mr. Hodges is unknown.

evidence, then he is guilty in the eyes of the law, but he may be perfectly innocent. But let us take this first and simple point: that one has to be caught in order to be punished. Now since the penal law never says that, except in this particular section of Plato, the law which says [that] he who does this and this will be punished in this and this way is untrue, it omits the crucial condition. Now from this point of view, all penal laws are untruths because, to repeat, they omit the crucial condition of discovery.

Student: Later on in the book there is an example of a law in which someone is not caught, and therefore the lawgiver—I think it was a killing—then explains the divine penalties for this and that the person must abstain from the temples and so forth. But if you go on, once this is announced and you would have a particular citizen who would abstain from all these things, it would single him out as the person who is guilty.

LS: Sure. It would mean to disregard the equivalent of the Fifth Amendment available at that time. Sure. But you see immediately what a great problem that is if the penal law as such is necessarily based on a noble untruth, by omitting the qualification "if he is caught." There is a beautiful example of that in Xenophon somewhere; I don't remember it right now, but a very charming example of the omission of this condition. But at any rate, we see that Plato was aware of it.

Student: I hate to sound ridiculous, but this whole thing sounds kind of spurious. What you are claiming when you say penal law is untrue or based on a noble lie is the fact that it is impossible. But couldn't the same argument work as regards the best regime is untrue, because this too is impossible?

LS: Sure, therefore he calls it a mistreatment. That is no objection whatever because it always boils down to this: that these social matters (let us use this wide term) are distinguished from the subhuman as well as from the superhuman world by a peculiar twilight character in which they exist. They are shot through with opinion. And that is in one respect higher than the subhuman thing where opinion doesn't enter, but it is also, from another point of view, a sign of a defect: that this is not the element of truth in which they live. And that would show in various ways: in false generalities, where qualifications would be necessary, and whatever you take.

Student: Well, I hate to complain, as Plato does in Book 10, that he is going to push you out of the limits of the political, but it seems to me that this presupposes a whole conception of truth which somehow seems to be untrue.

LS: I know what you mean.

Student: The equation of truth with absolute unchangeability for instance, or something like that.

LS: We have discussed this in the case of the *Minos*. Plato is not guilty of that, I believe, as I showed when we read the *Minos*, where he shows that changeability belongs essentially to [a] certain subject matter; therefore that is a wrong notion.

Student: Okay. And if it belongs essentially to penal law to have existential reference to those who are caught only, then this is the truth of penal law.

LS: Sure. But still, look at it dispassionately, and then you have this rule: here the actual theft and here the punishment applied to it. And the legislator, regardless of what a very clever legislator might do, means that he who commits these and these acts will be punished with these and these deprivations (to use Mr. Lasswell's[iv] term). That is the meaning. And yet a moment's reflection shows us, on the basis of the most common experience, that this consequence follows only if the crime is discovered. The mere committing of the crime is not sufficient and therefore, if we now say: All right, let us be exact, let us say precisely what is meant, then we say: If he commits this and this crime *and* he is discovered, then he will be punished. And we see immediately that it reads like a parody on penal justice and therefore the legislators in their wisdom do not state the penal law in this language. You can say it is inevitable, surely. There is no way out of that. One cannot possibly—

Student: Well, put it this way. It seems to be accidental to penal law—the fact that it has existential reference only to those who get caught. I mean the penal law truly intends that everyone who does the act get punished.

LS: If I accept for one moment your point of view, I would say an accidental thing which is universal is not a mere accident. It has to do with the essential limitations of human knowledge. Well, fundamentally we are discussing always the same problem.

This strange event here, that the Athenian is caught napping or at least pretends to be caught napping, has also to do with something else, because this theft business, this being caught business, is only one element of the great problem of penal law. And the Athenian somehow anticipates the great difficulty, the fundamental problem of punishment, and therefore he talks in a very inadequate way on the crime at hand, namely, theft. And so he is caught napping. This is, in other words, a transition to the discussion of the basic problem of punishment. Now I think we continue reading where we left off, 857c, middle.

Reader:

> [Ath.:] What do I mean to imply by this remark? It was no bad comparison we made when we compared all existing legislation to the doctoring of slaves by slaves. For one should carefully notice this, that if any of the doctors who practice medicine by purely empirical methods, devoid of theory, were to come upon a free-born doctor conversing with a free-born patient, and using arguments, much as a philosopher would—

[iv] Harold Laswell (1902-1978), American political scientist, author of *Politics: Who Gets What, When, How* (1936).

LS: Here is the first time the word philosophy occurs in the *Laws*. Literally it is the verb philosophizing which occurs. That is a big event.

Reader:

> dealing with the course of the ailment from its origin and surveying the natural constitution of the human body,—he would at once break out into a roar of laughter, and the language he would use would be none other than that which always comes ready to the tongue of most so-called "doctors": "You fool," he would say, "you are not doctoring your patient, but schooling him, so to say, as though what he wanted was to be made, not a sound man, but a doctor."
> [Clin.:] And in saying so, would he not be right?
> [Ath.:] Possibly, provided that he should also take the view that the man who treats of laws in the way that we are now doing is schooling the citizens rather than legislating. Would he not seem to be right in saying that too?
> [Clin.:] Probably. (857c-e)

LS: Now let us stop here for one moment. That is really a great event, that in a book of such a length and written by such an author, the word "philosophy" is studiously avoided in the bulk of the work. I do not remember whether it occurs at all in the sequel. I deliberately did not look it up in a dictionary in order to have the pleasure of discovering it for myself. That is the first time, and it occurs when the discussion [of] punishment comes up, [when] the fundamental problem of punishment comes up. And he uses the analogy of a physician. In other words, he makes clear what a philosopher is by the analogy of a physician. And what does the true physician do? He ascends to studying the whole nature of the body. In other words, he does not merely look at the tongue and prescribe something to get the defect away; he looks at the whole body and studies the whole body: anatomy, physiology and what have you. Similarly, the philosopher, the physician of the soul, would study the whole nature of the souls. The plural is intentional because he has also to consider the various types—you remember: the courageous, the modest, and the other types which have to be considered. Furthermore, the introduction of the term "philosophy" is here linked up with the opposition between educating and not merely punishing, but legislating. Educating is something much more profound and much more serious than mere[ly] legislating. But the distinction is made with special regard to the problem of punishment. What is preparing is the thesis that punishment, to be rational, would have to be merely educative. And that of course is absolutely impossible. You need capital punishment, that was at least Plato's opinion. You need even such strange things as punishing a brick or a horse, beings which cannot be educated in any proper sense, and some intermediate cases which are also very interesting and, viewed in the Platonic perspective, very funny. So let us see what we learn about punishment in the sequel.

Reader:

> [Ath.:] How fortunate we are in the conclusion we have now come to!
> [Clin.:] What conclusion?

LS: That is not necessarily translated that way. "How fortunate are we in the present, the present situation." That does not necessarily refer to the present conclusion but the whole situation as will appear from the sequel.

Reader: [Ath.:] "This,—that there is no need to legislate, but only to become students ourselves, and endeavor to discern in regard to every polity how the best form might come about, and how that which is the least elaborate possible."

LS: That is badly translated: "and the most necessary." The best and the most necessary. These are two entirely different considerations. The best and the most urgent; you could also put it this way.

Reader: [Ath.:] **"**Moreover, we are now allowed, as it seems, to study, if we choose, the best form of legislation, or, if we choose, the least elaborate. So let us make our choice between these two. . . . the least necessary[v]." (857e-858a)

LS: No, no. The most necessary. More literally: to look at the best and, if we choose, to look at the most necessary regarding laws. We may choose either one, whatever we prefer. Now let us stop here. Now this is one of the clearest Platonic passages indicating Plato's or the Athenian Stranger's own position. He is not a legislator—Clinias is a legislator to some extent, but not he—he is a teacher of legislators. Now as a teacher of legislators, he has a much greater freedom than any legislator has. He can consider and must consider all fundamental alternatives, whereas for the legislator all alternatives are excluded by the very fact that he is a legislator for this society under these conditions, and these alternatives are indicated here by the two extremes: the best and the most urgent, because no one in his senses would choose something bad and unnecessary. The lowest level is the most necessary, the highest is the best. And there is an infinite variety in between. But if we indicate the ceiling and the flooring we do not have to enumerate the characteristic intermediate cases. Now let us go on and read the next passage.

Reader:

> [Clin.:] The choice we propose, Stranger, is an absurd one: we should be acting like legislators who were driven by some overpowering necessity to pass laws on the spot, because it is impossible for them to do so on the morrow. But for us (if Heaven will) it is quite possible to do as bricklayers do, or men starting on any other kind of construction,—that is, to collect material piecemeal, from which we may select what is suitable for the edifice we intend to build, and, what is more, select it at our leisure. Let us assume, then, that we are not now building under compulsion, but that we are still at leisure, and engaged partly in collecting material and partly in putting it together; so that we may rightly say that our laws are being in part already erected and in part collected.

LS: Here is a very beautiful passage because it shows how philosophy comes to sight to a man who is previously completely unaware of it. But here he begins to understand this

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[v] The words "least necessary" do not appear in the text.

difference of people who have this leisure to choose, and he uses a very homely example out of the only sphere he knows, namely, brick layers, people who are still in the stage where they can choose and people who are under compulsion so that they have no freedom to consider alternatives. Now continue.

Reader: [Ath.:] "We have in our States not only the writings and written speeches of man other people, but also the writings—"

LS: No, I believe you omitted a speech, a very important speech.

Reader: [Ath.:] "In this way, Clinias, our survey of laws will at any rate follow nature's course more closely."

LS: Our synopsis, our comprehensive consideration of the laws will be to a higher degree according to nature; namely, it will consider the rank of the possibilities and not be accidentally limited to what is imposed on us now by the circumstances. Continue.

Reader: "Now let us consider, I adjure you, the following point about legislators." (858a-c)

LS: "I adjure," he says? In the Greek, it is "by the gods." That is the first time that our Athenian Stranger swears. That is also characteristic of the book: extreme scarcity of reference to philosophy and extreme scarcity of oaths. I believe it is not an accident that the Athenian swears for the first time after he has referred to philosophy, but to discuss that would lead us very far. Now let us read the sequel.

Reader: "We have in our States not only the writings and written—"

LS: We don't have to read that because there are so many other important things. I will summarize it as follows. The legislator ought to be the teacher of all other writers, because *qua* legislator he is a writer. Written laws. And he ought to be the authority for all other writers. Since he is the teacher of all other writers, he must educate and not merely command like a tyrant. We draw one conclusion here. The writers of whom he speaks are also the poets: Homer and Tyrtaeus are mentioned by name. The educating legislator is surely superior to the poet. The non-educating legislator, that is to say, practically every legislator, is of course inferior to the poets, to the best poets. Now let us then read the sequel in 859b (page 219).

Reader:

> [Ath.]: First of all, since we have started on it, we must examine closely the law about temple-robbers and all forms of thieving and wrong-doing; nor should we be vexed by the fact that, although we enacted some points while legislating, there are some points still under consideration: for we are in process of becoming lawgivers, and may perhaps become so, but we are not lawgivers as yet. (859b-c)

LS: That is a very important statement. Clinias is a man probably in the high sixties, certainly an old man. They are not yet legislators. In the vulgar sense they would be legislators. But the Athenian teaches them to become legislators, and for this purpose he has to go into the kind of question which the vulgar legislator would never go into. Now in the sequel he takes up this very great question to which I have referred more than once, and that is the problem of the relation of the noble and the just. I repeat some things which I have said very often. The Greeks do not have a word for what we would call the moral. They call that the noble and the just. The good falls also under it, but the good does not necessarily have this moral connotation—good can also simply mean useful and so on. But what we understand by moral is called by the Greeks the noble and the just. And these two things are closely akin but they are not identical, and there are cases in which something is clearly just without being noble. And it is a very difficult discussion whether the opposite might not be true, whether there might not be something noble without being just. You remember the case of this man who is noble, when he says goodness is defined by control of the passions regardless of whether something happens to another fellow. Do you remember that? We come to that passage later. So that would perhaps be a case of a man who is noble and not just. That might happen. But that is much too subtle for our present purposes. The simple case is something which is just without being noble, and the clearest case is punishment, undergoing punishment. If you deserve it, it is clearly just but it is not noble. No one is admired for undergoing punishment. Or take a more simple example: paying one's debts is just; it is not noble. No one is admired. They do not say: Look at this marvelous man; he paid his debts, whereas if a man, in action especially, does something beyond the call of duty, of course what he did is just but it is more than just: it is noble. This distinction, I think, is omnipresent in this kind of literature.

Student: What about the case of the person who undergoes his punishment bravely?

LS: That is so low that we—

Student: But isn't there some element—

LS: Sure,[2] [there is] a difference between the fellow who, when being hanged or before being drawn and quartered still makes jokes, and the other one who is completely hysterical.

Student: Or in the case of a man who faces the firing squad without a blindfold.

LS: Yes, sure. They would say it makes a great difference if this, for example, is a foreign spy, a man spying for his country, then the deed is intrinsically noble and the deed is just like an action in war. That is a different story. But if he is a common traitor doing this for money, let us assume, then they would say that that is such a low case that this distinction doesn't make any difference. It is at best a very subtle thing about which a reasonable man wouldn't care. Surely it makes a difference, but it is not so terribly important.

Student: This might be something for sociology.

LS: Sure, sure, but they deal with all kinds of irrelevancies, so we don't have to go into that. So this much is clear. Now let us read perhaps 860b in which this problem is made clear, page 221.

Reader:

> [Ath.:] We laid it down that it is just to put to death the temple-robber and the enemy of the rightly-enacted laws; and then, when we were minded to enact a host of similar rules, we held our hand, since we perceived that such rules involve passions infinite both in number and in magnitude—

LS: "Passion" is not a very good translation. It is literal but not clear, because it means *pathēma*—suffering, you could almost say. An action in the strict sense is what a being does, and a passion is what happens to a being when acted upon. This word is applied, for example, to the sun and moon as well as to man. An eclipse of the sun is a *pathēma* of the sun. So if you understand passion in this broad ontological sense, then you can do it, but that is not the common understanding. It creates a difficulty.

Reader:

> [Ath.:] and that, although they are eminently just, they are also eminently unseemly. Thus the just and the beautiful will seem to us at one moment wholly identical, at another, utterly opposed, will they not?
> [Clin.:] I am afraid so. (860b)

LS: In other words, that is the difficulty: that the most just punishment may very well be the most degrading. And that there is a difficulty here you see from the following fact, which only a certain kind of sociology can deny, namely, that while many of us admit capital punishment, none of these people would wish ever to be an executioner or even to be present, I believe, so tender have become our nerves. But if you disapprove of capital punishment, take prison. Who would like to become a prison warden, or still less, to be one of these guys who has to lock them in and this kind of thing? There is something not particularly nice about that, let us not fool ourselves. And yet it is necessary. That is one aspect of the problem of society as such: that it must, for very good and respectable reasons, establish institutions which are somehow unsavory. And I am speaking now not of concessions which society makes, e.g., that it tolerates prostitution and this kind of thing. One could say this latter does not have to be tolerated, but something like prisons you need. And you see immediately where our liberal friends come in who try to replace the prison warden and the executioner by the psychiatrist, because a psychiatrist is of course a perfectly respectable man and his activity is perfectly respectable, and if we could replace prisons and death chambers by psychiatric wards, that would be a great progress in humanity.

Well, Plato doesn't think of psychiatry, but he thinks of someone analogous to the psychiatrist, namely, of the educator of the soul. What he is driving at ultimately is this: society would be so infinitely better, it would be humane, just, and noble, there would no

longer by any conflict between the just and the noble if punishment would be reducible to improvement. Well, let us take this example. Now this fellow is drawn and quartered or whipped or put in jail. This minor difference that they are no longer whipped or drawn and quartered I dismiss as merely a matter of our nerves. And the degrading things which happen, that a grown-up man can no longer walk as he wants and can no longer use his hands, the wrists, and so on. But if this would not be so, there would no longer be a tough cop but a bright nurse or two nurses, male or female, very tenderly bringing this man into this office of the psychiatrist. You can see. But we don't have a psychiatrist in the case of Plato; we have here a physician of the soul in the Platonic sense, who would talk to that man and try to bring to light what his problems are and convince him of the absurdity of what he has been doing. And then in this case punishment would no longer be punishment, of course, it would be betterment. And then of course this would be ennobling in itself; the degrading element would cease. That is the problem which Plato is discussing here, and the unfortunate thing is—as no one knew better than this same Plato—that this is not sufficient, and therefore we have to swallow the distinction between the noble and the just. We have to admit this degrading element into society as something which is going to stay.

Now let us see how this proceeds. The most just punishment may be most degrading. How to reconcile this with the assertion that the just is in all cases noble? Answer: if punishment were improvement. But this is not what the Athenian says immediately. I said this only in order to make you understand the whole problem. The immediate assertion of the Athenian is that all bad men are involuntarily bad, and therefore the proper attitude toward criminals is not hatred, revenge, but compassion. But how is this connected with the broader assertion? If virtue is knowledge, then betterment is education as distinguished from punishment. That is one line. Now the other line: if goodness is knowledge, then badness can only be ignorance, and all vice and crime is ignorance. Now let us see in 860e. There is a sentence we should consider. It occurs in a longer speech of the Athenian, page 223.

Reader: [Ath.:] "This,—that the unjust man is, indeed, bad, but the bad man is unwillingly bad. But it is illogical to suppose that a willing deed is done unwillingly—"

LS: The Athenian Stranger speaks [in a] much less highfalutin' [way]. He says "it doesn't make sense." Why should one say "it is illogical" for "it doesn't make sense," except in order to make the impression that one is more educated than other people?

Reader:

> therefore he that commits an unjust act does so unwillingly in the opinion of him who assumes that injustice is involuntary—a conclusion which I also must now allow; for I agree that all men do unjust acts unwillingly; so, since I hold this view—and do not share the opinion of those who, through contentiousness or arrogance, assert that, while there are some who are unjust against their will, yet there are also many who are unjust willingly— (860d-e)

LS: That is a gross misunderstanding. The one who sees other fellows say that men are unjust unwillingly, but they commit unjust *acts* voluntarily—well, I don't know what these kind of people were, but the distinction is a very important distinction which everyone who has read the Fifth Book of Aristotle's *Ethics* would know (and also Plato's *Gorgias*, by the way): that there is a fundamental distinction between an unjust man and a man committing an unjust act. A man committing an unjust act is therefore not yet an unjust man. An unjust man is a man who is habitually unjust, so that an unjust man might commit a just act, of course, and vice versa. This is the distinction he meant. But that I mention only in passing. In other words, these people say the characters are involuntary—good, justice, or injustice—but the actions are nevertheless voluntary and involuntary. What they meant and how they work this out we do not know.

Student: I was wondering, does this not then bring up the whole problem of the justice of punishment, not only as regards the state or polis but as regards . . . .

LS: Surely. But if these considerations are of any weight, then they must compel us to raise the question of the justice of punishment, surely. Nothing less than that. But we must see how Plato tries to solve that. Up to now he has not yet even completely stated it.

Student: [Inaudible]

LS: I do not remember this French novel. You are speaking of *Manon Lescaut*.[vi]

I think we could easily visualize this difference between an unjust man and a man committing an unjust action. It is even thinkable also the other way around, that the unjust man never commits an unjust action. Think of the Second Book of Plato's *Republic*—you know, this hypocrite who has the reputation of being a perfectly just man. He never commits an unjust act and yet he is thoroughly unjust, surely. Now, any somewhat deeper moral reflection would show that the judgment of man on the basis of mere actions is very insufficient. Today that is so popular that it becomes necessary again to emphasize that the actions are not so unimportant.

Now I repeat the problem. If virtue is knowledge, if this thesis is adhered to, all vice is involuntary. Betterment and education in opposition to punishment. But every legislation presupposes the distinction between voluntary and involuntary crimes. We cannot do without that. That is the problem which he is trying to solve in the sequel. Now we read in 861, page 227.

Reader:

> [Clin.:] What you say, Stranger, appears to us to be excellent: we ought to do one of two things,—either not assert that all unjust acts are involuntary, or else make our distinctions first, then prove the correctness of that assertion.

[vi] Abbé Prévost (Antoine François Prévost), *L'histoire du chevalier des Grieux et de Manon Lescaut* (1731).

> [Ath.:] Of these alternatives the first is to me quite intolerable—namely, not to assert what I hold to be the truth,—for that would be neither a lawful thing to do nor a pious. But as to the question how such acts are two-fold,—if the difference does not lie in that between the voluntary and the involuntary, then we must try to explain it by means of some other distinction. (861c-d)

LS: Incidentally, let us reflect for one moment on this casual remark here. It wouldn't be lawful or pious for me to say what I do not regard as true. What do you say about that? I think that is very far from being casual because it throws light on the problem under discussion. We have heard formerly different remarks. Is it not lawful to say things which one doesn't believe under certain conditions: the physician to the patient, the wise to the unwise, parents to children, generals to soldiers? You know, the famous Platonic thesis. Now let us look at these examples. A physician who deceives his patient for the benefit of his patient: this, I would contend, is the classic case of someone who commits in a way an injustice knowingly, with his eyes open. The ordinary criminal, according to Socrates, doesn't know what he does, meaning he believes in the value of wealth or whatever it may be and really has no notion of what is choiceworthy and what is not. He is a blind man. But the philosopher, to take the highest case from Plato's point of view, if the philosopher is compelled to say the untruth, then he knows what he is doing. He voluntarily chooses to do something which, from another point of view which he understands, is unlawful or even infamous. So the paradox here is that the only fully responsible criminal would be the philosopher, once you have this dilemma as I have stated it; the others would be innocent. I don't regard this as unimportant, but still it is not developed here.

But now we come back to the immediate subject. How can we introduce a distinction between voluntary and involuntary crimes although we assert that all crimes are involuntary? The first step is the distinction between damage and injustice. Someone may damage another man without an injustice [being] involved. The rule is simple. In the case of a damage, compensation; in the case of injustice, cure. But no punishment: cure. But what about that cure? Now the first answer we get is in 862d1, page 231. Let us read that.

Reader:

> [Ath.:] In this,—[that] whenever any man commits any unjust act, great or small, the law shall instruct him and absolutely compel him for the future either never willingly to dare to do such a deed, or else to do it ever so much less often, in addition to paying for the injury. To effect this, whether by action or speech, by means of pleasures and pains, honours and dishonours, money-fines and money-gifts, and in general by whatsoever means one can employ to make men hate injustice and love (or at any rate not hate) justice,—this is precisely the task of laws most noble.

LS: Let us stop here for a moment. You see, he has already made a grave concession to the necessities by saying that the law does not merely teach or instruct but also compels, and the compulsion as such is not necessarily instructing. That should be clear. Let us read on.

Reader:

> But for all those whom he perceives to be incurable in respect of these matters, what penalty shall the lawgiver enact, and what law? The lawgiver will realise that in all such cases not only is it better for the sinners themselves to live no longer, but also that they will prove of a double benefit to others by quitting life—since they will both serve as a warning to the rest not to act unjustly, and also rid the State of wicked men,—and thus he will of necessity inflict death as the chastisement for their sins, in cases of this kind, and of this kind only. (862d-863a)

LS: In other words, if punishment is to be educative, then capital punishment must be limited only to the incurable. All right, that is plausible. We want to cure, not to punish. But there are cases in which cure is impossible and something must be done, however, because that fellow is a public menace. Answer: capital punishment. Now here you have an interesting guidepost for the analysis of all the following laws. Do we deal in all these cases with incurables? Take the example of the son striking his father once. Capital punishment. But how do you know that he is not curable if you would take him to that better psychiatrist, Socrates? And he would tell him "Look," and after a long conversation—he would have to stay with Socrates for a few months—he would see that is really impossible. And if his father is excruciating and difficult, then he should leave the house for the time being and so on, but under no circumstances strike him. That is all right. But Plato later on does not limit capital punishment to incurables. Even the deliberate murderer of his fellow citizens who did it once—you have no certainty that he is incurable. You have no certainty, and yet the law regards him as incurable. You see what happens: one of these typically Platonic cases of dilution, as I call it. A rational principle is clearly stated, and then on the basis of some other principle, not strictly speaking true but[3] [originating in opinion], this is modified. And what is the modifier? What is the opinion-based modifying principle which justifies this kind of capital punishment which would not be justified on this basis, i.e., that the fellow is incurable? Namely, that the action is in itself so atrocious that it cannot be forgiven; nothing less than death will do to expiate it. That is the subject which will come up later. But we still have to follow Plato's argument as far as possible regarding the distinction to be made in order to justify the introduction of the distinction between involuntary and voluntary crimes.

Now the first distinction which he makes in the immediate sequel is that between three causes of crime: *thymos* (spiritedness, passion, anger) is one; pleasure is the other; and the third is ignorance.[vii]

Student: Well, if all crime is committed because of ignorance only—

LS: No, that he denies.

[vii] There was a break in the tape at this point.

Student: Whether voluntary or involuntary depends on how you regard it.

LS: Well, you have already stated the grave step which Plato has taken.

Student: And he is giving other reasons here for the possibility?

LS: By introducing three causes, one of which is ignorance, he has already introduced the principle of distinction. Some crimes are not caused by ignorance but by passion and pleasure. And we are back to common sense.

Student: But passion and pleasure are here regarded as a form of ignorance. That is, they are in possession of a person who does not understand that he must always look to the good and have his soul ruled by reason. So the fact that I have passion and receive pleasure is itself ignorance.

LS: That is what Plato and Socrates surely meant. But the question is whether this is not too radical a consideration to live on in society. Take the other theses of Socrates which are so well known, the Stoic popular formulations although they are primarily Socrates's formulation: that only the wise man is virtuous, is a king, is a true poet, the true general. You can all prove this easily. Now it would be absolutely hopeless to get the appointment of any general on the ground that he is a wise man. Something in society, which we must try to lay our hands on, simply condemns this assertion to practical absurdity. Plato had a strong sense of the comical character of these matters, but he was not so simple a man [as] to believe that the more comical character of the proposition shows it to be absurd. There is something in that. But we have to find out what is that "x" characteristic of society which condemns these perfectly sensible propositions to practical absurdity. And what Plato has in mind is something like this, which I have said before and which I can repeat again: there is the polis [LS draws on the blackboard] but the polis has a hole. It is a cave. The true life of man is above that, the philosophic life. And all the solutions to the human problem are found here, not here. These are all rough and ready solutions for practical purposes which do not [with]stand a close analysis. Theoretically, the problem is this: What is that ceiling beyond which you cannot go if you want to remain political? Or still more precisely stated: What are the basic opinions which constitute the polis as polis? From Plato's point of view they can only be opinions, they can never be knowledge.

Now this is the problem which Plato discusses most clearly in the *Republic* in the section on the noble lie, where he gives two principles which are essential to the polis as polis. The first is the principle that the fraternity is the fraternity only of fellow citizens as distinguished from the human race. In other words, the political society must regard itself as natural and in no way dependent on convention, because once you regard it as arbitrary, for example, the right of secession—the practical problem of the right of secession [. . .] that is ruled out only if you regard it as a natural unity; otherwise the question of the secession of a state, of a permanent depatriation, is always possible. And the second equally important premise is the identification of the social hierarchy with the natural hierarchy. If that identification is not done, chaos follows. If the people in control,

the ruling people, the government, are not regarded as deserving to govern, that is morally an act of high treason, although it may be perfectly reasonable under given conditions.

There are other formulas which a man like Plato suggested in other places, but what he says is [that] there are certain opinions beyond which you cannot go as long as you want to be political. On a more simple level, the level of mere practice without getting into the theoretical considerations, you see it as follows. For example, when you have a political debate. All debates of any consequence are based on one simple principle: the sacredness of the constitution. In the moment a proposal implies the questioning of that, you are no longer [in the realm of the] political. And it is the sign of a chaotic state, a decaying state, that propositions including the abolition of the constitution can be entertained. That state is unwholesome; it is decaying.

Student: In that case, then, Plato is introducing for the polis a set of instrumental ethics and value and knowledge, and is in a sense bringing on the problem which we face now of the regarding of ethics and knowledge as purely instrumental and not as . . . .

LS: Not quite, Plato is not a relativist; that is out of the question. Plato is only a very prudent and very broad man, whereas a relativist by definition is the opposite. But how shall I state it? This is a problem we have discussed all the time. I will now translate this into the language of the *Laws*, if I may do that. This is *nous* [LS draws on the blackboard], the mind, intelligence; this is *nomos* at its best. In other words, if you analyze the law at its best, you also will arrive at certain fundamental premises, fundamental propositions, which also are not true. Let me take this example. [That] whoever commits a certain crime will be punished is such an opinion by which the city stands and falls, and yet it is demonstrably untrue. And there are others. So the distinction between *nous* and *nomos* is inevitable, and yet practically, a society of any decency lives on a wise blindness to the distinction. One identifies for practical purposes the law in general—[though] not necessarily each individual provision—with the edict of pure reason itself. That is so. There is no alternative. It is inconvenient, inelegant, but you cannot expect everywhere elegance, that is unreasonable.

Now as for relativism there is none. Why? In the first place, the highest standard, virtue in itself according to nature, is unchangeable. Secondly, even the principles of the dilution are also unchangeable. Some relatively minor matters, for example, should you sacrifice this goat or four lambs, are determined by Delphi—the legislator can't decide it and must not decide it. And other little things. But the main points, even the main untrue thoughts, are not arbitrary. They all keep at least within a certain frame. There is no relativism. Relativism is based on the fact that it forgets its own principle, one could say. The only thing which is of interest in relativism, I believe, is the belief which it somehow transmits that reason and the exercise of reason, science, is the noblest activity of man. They don't say that anymore, but somehow they believe in that nevertheless, at least the more thoughtful ones. And that they cannot say that which they mean all the time. I have found another statement to this effect in one of these many writers. In other words, they cease to think about it; Plato did not. And I don't believe that relativism is in any way a

possible position, because then relativism itself, as a universal assertion . . . you see? It ascribes the highest dignity to its own position and therefore to the attitude, the mental attitude, which goes together with this position. But I forgot about you.

Student: Well, I don't know whether you want to pursue these general questions at all.

LS: No, I shouldn't have done so. It was really unfair to you that I did. But as you see, one cannot always be just. But I will give you an opportunity at the earliest possible time. Now let us continue. So we solved the question [of] how Plato reintroduces the distinction between voluntary and involuntary crimes, although he is prohibited by his principles to do so. He simply makes this concession by saying that there is such a thing as ignorance as distinguished from passion or rage on the one hand, and pleasure on the other.

Student: Well, he is forced to, he has to in order to make the distinction, and if he can't make the distinction he can't make the law.

LS: But since laws are evidently necessary (that he assumes), and since it is absolutely necessary to make a distinction between a fellow who murders this fellow with malice aforethought and another who did it only because he was having a brawl in a bar and then the situation got out of hand—or this fellow was particularly weak, or whatever it may be—and he dies, and that is not the same kind of crime. If you [don't] do that you forget a very important practical distinction. Therefore you have to make the distinction. But what I was driving at is this: that, as is shown by the concrete penal provisions, the involuntary crimes are more connected with passion than those connected with pleasure, if we take this crude distinction. Take what the French call a crime of passion: that is treated, at least by the French legislator or judge, more leniently than a non-passionate crime. That is fundamentally what Plato is driving at. If someone is planning the death of another fellow in order to rob him of his money or whatever it may be, that is clear[ly a] dastardly murder, but if he has been provoked by insult, then that is a milder case.

And here we make a subdivision: if he is provoked by insult and acts on the spur of the moment, it is a milder case than if he postpones revenge because he would have now the opportunity to think about it. And here you see how this distinction is also connected with the crude notion of ignorance. Someone insults you, you get angry, [you] act immediately. You have really no time to think. That is more like complete ignorance. If you have time to think and you take your revenge next year, you are more responsible, because you could have thought and you did think more: you laid your plans. And if it is the case of a very considered plan—a bank robbery with killing, where you have to go into many, many details, make scientific observations of when the bank tellers come in, how the alarm system functions—where a lot of knowledge has to be acquired in a very scientific way, the responsibility is increased. There is no question that the distinction is a sensible one. And on the other hand, we must not forget completely the truth underlying this extreme assertion that all crime and all sin is due to ignorance. Why can we not accept it for practical purposes? Because the honest businessman is in this respect as ignorant as the criminal. If I take the honest businessman as a man who believes that it is

worthwhile to devote oneself, one's life, to the gaining of wealth, that is gross ignorance. But in this respect the criminal does not differ. Therefore the insight, the Socratic insight, into what constitutes the true human life blurs the difference between the non-criminal unwise and the criminal unwise, and society cannot afford that. But on the other hand, the question of non-criminals choosing of the lower is also very important, even for society. Therefore the two considerations are needed. To repeat: the first consideration, virtue is knowledge; and the second consideration, the necessity of making a distinction between criminal and non-criminal ignorance—I mean lack of wisdom; this is also necessary.

Student: It makes you wonder, though, how useful is the first assertion.

LS: That is easy to prove. Take a society all members of which are non-criminals. No one ever hurts anyone else. They are even extremely delicate, so they would not even hurt their feelings in any point—wonderful people, but completely deprived of any cultivation of the mind. That is a question. Then one could perhaps be brought to see that this society, however nice these people are, is deficient in the most important respect. That is what he is thinking of. You see, what they call today culture—but not in the sense of popular culture, the other kind of culture, the cultivation of the mind—was terribly important to Plato and Aristotle. I think it is also important to us when we come to think of it, but sometimes in purely political considerations we forget it. This they always had in mind, and especially Plato. Plato thought all the time of this problem, the cultivation of the mind. The cultivation of the mind is the higher consideration. The prevention of injustice, in the simple sense of the word, is also a very important consideration, but Plato would say, and I think he means this by the distinction between the best or noblest and the most necessary, that the prevention of injustice is the most necessary thing: hurting each other and shooting each other. But if this condition is fulfilled, it would still not be a [worthwhile] society[4] if it does not have the other things too. The distinction [is] between the availability of a certain health of the body which is indispensable for living and what you do with your health.

Student: Well, I am getting sidetracked again.

LS: You are not sidetracked. On the contrary, I think that is really the point. Don't believe that this consideration of virtue is knowledge, with all the fantastic potentialities implied in it, is devoid of practical meaning. Not at all.

Student: Well, you have to see what practical context you are in before you can see whether or not you can use it. It is useful in a certain context but it is not always useful as implied here.

LS: All right, because what is most urgent we always need. We always need. What is highest we also always need, but we are less aware of it. That is so. But the fact that we are not aware of it doesn't mean that we do not need it.

Student: I was going to say that somehow don't you have to make another distinction? Couldn't Plato say that crime is opinion, and that insofar as it is opinion there can be

voluntary and involuntary? I mean, a person can know very well that such and such act is wrong, and do it anyway. Now from the point of view of the overall picture I think we can say this man is unwise, foolish, and ignorant in this sense. But at the same time, trying to stay within the Platonic framework, on the level of opinion he opines or he knows as much as any person in this political society can know anything. He knows that such and such act is wrong and does it anyway, and therefore is punishable.

LS: For practical purposes, we doubtless say this all the time, and we mean here especially knowledge of the law. I mean, a man knows what is forbidden and does it nevertheless—that happens all the time, and it is in itself no problem. But the question is: Is this knowledge of the law the practically decisive knowledge? If a man commits a certain crime and he knows the law forbids it, what is the opinion on which he acts? The opinion on which he acts is that the prohibition of the law is a secondary concern. Obviously. So we have to find what is his primary concern; and the primary concern may be, say, some form of self-interest.

Student: The problem I'm getting at is this. It seems to me it's true that you can say wrongdoing is a not-seeing of a certain kind, and that if a person really saw the truth of this particular matter it would sort of overwhelm him. You can do this. But at the same time, I think that somehow, supposing this is true, that Plato underestimates the evil that men can do.

LS: He does not . . . .

Student: I don't think this is true either. I think he knows very well the evil men can do.

LS: Surely. He had no illusions.

Student: But is not the supremest evil to know the good and them deliberately not to—

LS: Yes, that is exactly the point. Plato denies that, that you can *know* the good and not choose it. That is the important thing. You can have some awareness of that perhaps partly based on opinion, i.e., what[5] [you have] been told. You can have some inkling of it, but if you would know it you couldn't act against it. That is really Plato's view. But let us see; in order to make it a bit more exact, let us look at this. What is the consequence of the Platonic view, the immediate consequence of the view that all vice is ignorance? It leads in itself to the complete destruction of all punitiveness in man. Forgive them, they don't know what they do.[viii] That vulgar crime and especially the more sordid forms are really terrible and must be punished and stamped out, we have no quarrel about that, but the more subtle dangers do not lie there. I believe people like ourselves are ordinarily not tempted to become sellers of heroin and this kind of thing. But the more subtle things are such things as punitiveness, by which I do not mean that we would use our powers, if we

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[viii] "Then said Jesus, 'Father, forgive them; for they know not what they do.'" Luke 23:34.

have such, to punish people (we may not do that ever), but in our thoughts, which is more subtle than in our actions or even in our practical proposals. And that is what Plato regards as one of the greatest blinders of man, punitiveness, because it has such a decent beginning. I mean, if we are blinded by common passions, then we are ashamed,[6] say, of tyranny, or any other very bad and sordid thing. And then our justified indignation leads us on and on and, say, logically that leads to all kinds of fantastic consequences.

Starting from the surface it is absolutely necessary to make a distinction between voluntary and involuntary; it goes without saying, and Plato has written the *Laws* in order to show the necessity. But he also wanted to point out at the same time that this is really a reflection of the greatest practical importance and yet of a fundamental superficiality at the same time. It does not go to the root of the problem. Only Plato, in this dialogue, does it the other way around: he starts from the premise "all crimes and sins are involuntary," and then adduces this to the other consideration. Generally speaking, I believe one can say this—and up to now I have not seen any objection to that, any difficulty in Plato which would induce me to change that—that for Plato there exists a fundamental dualism, one connected with the mind and the other connected with the polis or society. And the considerations stemming from the one are not identical with the considerations stemming from the other, although there is a certain area where they overlap and agree. But the difficulty is that they only overlap and are not fully identical. We had this example. The kind of prevention of external injustice, the establishment of peace and order in society and everything going along with that is obviously necessary and important. That he would call and does call the most necessary. But there is another consideration. There is also the consideration of the best, which is not provided for by a consideration of the most urgent. And the two things are not necessarily in all points in harmony. And if I am not mistaken, the difficulties in this book, and especially the difficulties which are so great that no one dares to translate literally because of the seeming absurdity are ultimately due to this fact.

Now let us go on and read a few more points. In 864b1 to 7, page 235, toward the end of the long speech.

Reader:

> [Ath.:] But we are not now concerned with a verbal dispute. Since, however, it has been shown that there are three kinds of sinning, we must first of all recall these still more clearly to mind. Of these, one kind, as we know, is painful; and that we term passion and fear.

LS: "Passionate" is the Greek word *thymos*, which is ordinarily translated by "spiritedness" or something of this kind.

Reader:

> [Ath.:] The second kind consists of pleasure and desires; the third, which is a distinct kind, consists of hopes and untrue belief regarding the attainment of the highest good. And when this last kind is subdivided into three, five classes are

> made, as we now assert; and for these five classes we must enact distinct laws, of two main types. (864b-c)

LS: Now here you came into deep waters in trying to figure it out for your paper, and you had the feeling that the suggestion by the translator doesn't do. That was also my impression. Now let me see how it says it: "untrue belief," he says here (line 3 from bottom on page 235). But I am very sorry to say that this is a change of the manuscript text. The manuscript text, not correct, by Burnet the editor, is *true* opinion: "consists of hopes and true opinion regarding the attainment of the highest goods." And we have to live with that, just as in the other passage (which I do not now remember) where such a change is also made to the same effect. Maybe I can find it.

Student: Incidentally, Jowett translates it as "true opinion."

LS: I see. Now whether there is a connection between this true opinion here and the noble lie allusion in 861d I do not know. I don't claim that I can understand it, but I would very much hesitate to change the text because that presupposes already that I know what Plato could not have written, and that is a very great presumption. I mean, if it is a meaningless word in Greek, then of course one must think of a solution, of curing the text. But this is not a meaningless word. In other words, is it not possible that true opinion about the best might lead to what at any rate legally is a crime? I see no difficulty in that. If there is a cleavage between the *nous* and the *nomos*, and the *nous*, the mind, transcends the *nomos*, I do not see why there could not be crimes on the basis not of ignorance but of knowledge. Certainly one must consider this in trying to understand this passage.

Student: That would follow from what he said earlier that the just person may do something wrong, that is, may cause an injury. But here it is just following, or summarizing, according to what he said, and the third item in the summary is specifically the problem of ignorance. In other words, he says—

LS: Yes, sure. But we have seen something last time of these distinctions of Plato, and how carefully one has to work them out, much beyond what is written in the text. But if the observation I made before, together with Mr. ____, is correct, what was the problem? We must make a distinction between involuntary and voluntary crimes. And we must therefore abandon the virtue-equal-to-knowledge equation because once this is so, there can only be one [kind of crime], i.e., involuntary. So we forget about that. How do we do that? We make a distinction of three causes of crime which are called, so to say, passion, pleasure, and ignorance. But, as appeared in our discussion, the distinction between passion and pleasure is sufficient for making that distinction between involuntary and voluntary crimes. To repeat: the involuntary crimes, the milder crimes, are those due to passion; the voluntary crimes, the crimes severely to be punished, are those due to pleasure. We don't need that ignorance.

By the way, that occurs to me only at this moment thanks to Mr. ____. But if this is so, could not ignorance be replaced by knowledge as a possible source of crime? Now you can say that is impossible, but I believe I can show it to you. And you know it already,

because this tension between *nomos* and *nous* shows the intrinsic possibility of a crime, of an action against the *nomos*, which is inspired not by ignorance but by knowledge. That this is the most noble crime, and the most rare crime, and the most innocent crime, that is perfectly true but it is still legally a crime. So I believe, if I am not mistaken, that this would be the solution to this problem. But I say this is a researchable hypothesis. Now in the sequel [is] the punishment of involuntary killing. That we should perhaps read, just as a specimen (865d, page 241, line 4 or 5).

Reader:

> [Ath.:] And if anyone kill a free man involuntarily, he shall undergo the same purifications as the man that has killed a slave; and there is an ancient tale, told of old, to which he must not fail to pay regard. The tale is this,—that the man slain by violence, who has lived in a free and proud spirit, is wroth with his slayer when newly slain, and being filled also with dread and horror on account of his own violent end, when he sees his murderer going about in the very haunts which he himself had frequented—

LS: Well, you must not laugh.

Reader:

> he is horror-stricken; and being disquieted himself, he takes conscience as his ally, and with all his might disquiets his slayer—both the man himself and his doings. Wherefore it is right for the slayer to retire before his victim for a full year, in all its seasons, and to vacate all the spots he owned in all parts of his native land; and if the dead man be a Stranger, he shall be barred also from the Stranger's country for the same period. (865d-e)

LS: That is sufficient. Now you must always look back to this fundamental statement regarding the rationale of punishment. Look, Plato does not make here a distinction, as far as I could see, between this barroom brawl and a truly accidental killing. For example, you try to fell a tree, and without knowing it another fellow is coming and the tree falls on him and he is killed—these famous examples. And there is really no question of any criminal or even blamable intent on the part of the man. It is not homicide, and yet I believe you all know the feeling, at least I know it very well, that someone who killed accidentally someone who was very dear to you, there is a barrier. And I believe there is really something terrible. He killed your father. He didn't do it intentionally and so on, but it creates, it can very well create a barrier and, if I am not mistaken, that was much more powerful in former generations of men than it is now. Here there is no question of educating a man but it is necessary to expiate something. This consideration—and therefore a myth comes in, the myth as the rationale and at the same time as a consecration of a feeling with which the legislator must reckon. There are many more cases of this kind.

Let us turn to another passage a bit later on, 870d, page 257.

Reader:

> [Ath.:] Concerning all these matters, the preludes mentioned shall be pronounced, and, in addition to them, that story which is believed by many when they hear it from the lips of those who seriously relate such things at their mystic rites,—that vengeance for such acts is exacted in Hades, and that those who return again to this earth are bound to pay the natural penalty,—each culprit the same, that is, which he inflicted on his victim,—and that their life on earth must end in their meeting like a fate at the hands of another. To him who obeys, and fully dreads such a penalty, there is no need to add to the prelude by reciting the law on the subject; but to the disobedient this is the law which shall be stated in the written code:—Whosoever of deliberate intent and unjustly slays with his own hand any of the tribesmen shall, in the first place, be debarred from the lawful assemblies, and shall not defile either temples or market or harbours or any other place of meeting, whether or not any person warns off the doer of such deeds—for he is warned off by the law, which is, and always will continue, warning him thus publicly, on behalf of the whole State; and the man who failes to prosecute him when he ought, or fails to warn him of the fact that he is thus debarred, if he be of kin to the dead man on either the male or female side, and not further removed than a cousin, shall, first, receive upon himself the defilement and the wrath of the gods, since the curse of the law bring also upon him that of the divine voice, and, secondly, he shall be liable to the action of whosoever pleases to punish him on behalf of the dead man. (870d-871b)

LS: You see, that is also another case: What about wholly unpremeditated murder, where the great difficulty arises how to protect? I mean, it is not murder. The legislator is too sophisticated to treat this man who acted out of anger on provocation, as a murderer; but on the other hand, the family insists on strict retribution.

Student: On about the middle of page 257, where it says that "vengeance for such an act is an act of Hades and that those who return again . . . inflicted upon his victim," what sense do you make of that?

LS: Well, the main point is here the notion of certain types of homicide that demand purification for its extinction.

Student: Dirty.

LS: At the crudest, stained. The society has been stained by that. Now if there are such things as these stains which can be taken away only by expiation, that has nothing whatever to do with a rational doctrine of punishment, according to which punishment is improvement.

Student: I was disturbed by the statement: the same natural penalty that he inflicted on his victim. How can you ever do that? You couldn't really inflict the same.

LS: He develops that later. For example, do you remember the example of a woman—

Student: You mean the son who murders his mother and is later reborn as a woman only to suffer the same thing from her son?

LS: This kind of thing.

Student: But it would require the ability of man to return.

LS: In other words, a certain divine punishment in an afterlife, a rebirth must be postulated in order that he dispose of those kinds of crimes which cannot be avenged reasonably by man. But the main point is that the practice of the penal legislation differs from the theory of rational legislation as stated to begin with. And a precise analysis would have to bring out the principle of the deviation, i.e., the primary hypothesis underlying the deviation. That would be another example of what I called the ceiling.

Student: That works fine, because only [in] the case of the punishment being exacted in Hades could this rational punishment—that [is], a punishment which exactly fits the crime—be worked out.

LS: Sure. That is true. To that extent it is rational.

Student: So that all these elaborate sorts of punishments which he describes are not rational punishments.

LS: You only have to think of the variety of considerations. Someone may kill on a slight provocation the father, the poor father of a poor family, so that the damage done is not only that he has killed a man but that he has really ruined a whole family. Can the legislator say in such a case: If the man is poor and has ten children, then the homicide must get capital punishment, whereas if he is rich and has no children, then he gets off with one or two years in jail? That would not work. And yet there is a certain impropriety, unfitness in that sort of punishment, and therefore there is a need for this kind of adjustment which cannot be done by human law.

Student: This really suggests then that the punishment is not rational?

LS: You can put it this way. We have read statements to this effect in a former passage. I don't know whether I have the reference here. In 728 or so there was a long discussion which we discussed on a former occasion. Sure, in a way punishment is not rational. The rational thing is education or cure, but in the case of the incurable, then extinction. That is the rational procedure as Plato states it, and yet that doesn't work because this mere prevention of action without any cure is of tremendous practical importance, i.e., that a fellow who *would* commit murder if it were safe does not in fact commit murder because murdering is unsafe, is of tremendous importance to human society. Therefore, there is a rationale too on this ground, but on a much lower ground, although on a practically—in a way, much more important ground.

Student: Of course there would a certain school of sociologists who would question this, i.e., whether punishment has the deterrent effect, at least the degree of preventive qualities we think of it as having. And this has been the argument against capital punishment.

LS: That it doesn't improve man?

Student: Well, actually that people are not deterred from murdering other people by the thought that a law exists against murder. In fact this has been set out very rigorously in a report on capital punishment issued recently.

LS: But you know that there are also the opposite reports, also set out very rigorously, to the opposite effect.

Student: True, it is difficult to establish absolute proof.

LS: I believe that it is equally difficult in both cases because it is in both cases wish, the prejudice, which determines the investigation.

Student: Well, I wouldn't defend this sort of thing.

LS: Well, let us take a very low character, but a shrewd guy who doesn't want to have too much unpleasantness. That he would consider the legal consequences of his action is, I thought, a very elementary consideration.

Student: This depends upon the sort of criminal.

LS: The question of capital punishment is a matter by itself because very few people do commit murder. But in the case of other crimes regarding property, deception, theft, and so on, that this wouldn't have an effect doesn't seem credible, simply on the basis of what you can observe.

Student: Well, my thought is simply this. That it has been observed that a certain class of criminals will be deterred by the existence of punitive laws, but that other classes of criminals will not be.

LS: Sure. That is shown by the existence of crime in spite of it. But I can also tell you why. One reason is, of course, that there exists always the hope of not being discovered. And it is simply this calculation among two low types, one who commits a crime and one who does not commit a crime: What are the chances of discovery? Those who raise the chances of discovery fairly high will be deterred; those who think of cops as dumb, as the phrase goes, will not be deterred.

Student: Other things being equal.

LS: Yes, other things being equal. All these modern liberal attempts at replacing punishment by cure can be understood, of course, by starting from the Platonic argument. But what these people underestimate, and what Plato did not underestimate, are those rough and ready and brutal needs of society to defend itself—where Plato was utterly unsentimental.

Student: I think this is suggested by the relative lack of success to get this through systematically.

LS: They abolished capital punishment in Britain, I believe.[ix]

Student: Only certain sorts. You still get the problem of people who murder people while they are in prison. These cases are a little difficult to handle.

LS: There is no question.

Student: And the strictest proponents can't get by this one.

LS: Yes, sure. And one can also say these other simply practical considerations: that capital punishment excludes the possibility of revision, the only punishment which excludes it, and it can happen that someone is legally condemned to death while being innocent. This is a very important consideration. Whether it would cover all cases is another matter. Sometimes there can be no doubt, no reasonable doubt.

Student: They tend to use that as one of the main arguments for the abolition of capital punishment.

LS: Yes, that is intelligible. I mean, this thought is terrible to bear: that an innocent man should legally be hanged.

Now there are a few more things. But it is so late that there is only one point I can draw your attention to. But I leave it at this because it is so late. I read only a brief remark from England, who is *the* commentator on Plato's *Laws*, because it shows some difficulties here. Speaking on 874de (page 269 bottom–271 top): "These nine lines contain a classification of personal injuries into fatal and not-fatal and a fanciful connection of the two classes with previous parts of the work. The idea of the enumeration and classification of bodily injuries inflicted by one's fellow men, as a subject connected with and following naturally upon the consideration of the nurture and training needed by the body, seems to us far-fetched. It would be easy for us to believe either that the whole nine lines, or at all events the two passages, were not from Plato's hands at all."[x]

[ix] The 1957 Homicide Act abolished hanging in Britain for certain kinds of murder. Capital punishment was suspended in 1965 and abolished in 1969.

[x] *The Laws of Plato*, ed. Edwin Bourdieu England, vol. 2, 269-270.

But the trouble is that these difficulties occur all the time when Plato makes such strange divisions and omissions and fanciful things. One German interpreter says that the introduction to the mention of the new subject is *ganz sonderbar und ungeschickt*, very strange and inept. Sure, that happens all the time, not only in the *Laws* but also in the other dialogues. Then one has simply to take the trouble to think a bit more deeply and perhaps one finds the solution which is rational, sensible. And especially the Platonic divisions, of which we had examples today and last time, always are very incomplete. And one has to think about the subject matter, make the distinction complete, and see that maybe some consideration comes to light which makes the whole discussion then perfectly sensible.

[end of session]

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[1] Moved “also.”
[2] Deleted “it makes.”
[3] Deleted “of opinion origin.”
[4] Moved “worthwhile.”
[5] Deleted “he has.”
[6] Deleted “of the”

Session 13: February 26, 1959

Leo Strauss:[i] That was a very good paper and I am very glad of that. In some cases I don't know whether you are not right. I am not convinced, however, that you are right. But you raised very important questions, and one point which was somewhat dimly in my mind before became somewhat clarified by what you said, which I mean to be a high compliment. Now you said the dialogue, this book, deals with natural theology. That is of course strictly correct. You know, natural theology is the teaching regarding god which is not based on revelation but only on man's natural reason. By the way, purely historically, this is the first, the oldest document containing demonstrations of the existence of god. That is older than Aristotle. Now you have seen that this is an ambiguous book, and if I state now the ambiguity in the extreme form—I remind you of a distinction which you know from Augustine, who transmits a distinction made by a Roman writer, Varro, which goes back to certain Greek writers—there are three kinds of theology: the philosophic theology; the theology of the poets; and thirdly, civil theology, the theology of the legislator. You were aware of the fact that this moves between the two extremes. It is surely not a poetic theology. But is it a philosophic theology? Or is it a civil theology? That is the question. But in your discussion, which was very clear, you did not always make a distinction between the intended ambiguities and the unintended ones. In other words, partly you criticized Plato from a point of view which is not Plato's; partly you criticized him from Plato's own point of view. And I will give you an example:[1] you said (and this is the remark I found particularly helpful) the Athenian Stranger accepts here a premise of the opponent, and a premise[2] which one can prove that Plato would not have accepted[3], namely, that to be means to become, or to be in a state of becoming—in other words, what we all know about the doctrine of ideas. Then you inserted this doctrine of ideas (and I don't blame you for that at all) and asked yourself: How does it look, how does the argument look, in the light of the doctrine of ideas? If there is only becoming, movement, be it only the self-movement of the soul, then there cannot be from Plato's point of view truth or knowledge, because that deals with the unchangeable as unchangeable. Now if there cannot be truth and there cannot be knowledge, what we may loosely call relativism follows and it becomes an untenable position. I am sure that there is something there, but I believe that must be worked out much more finely—that there is a common basis of the Athenian Stranger and his opponents, and this common basis is not obviously Platonic. I mean, there is a real difficulty here. This much I grant you gladly.

But in order to see that your solution is not quite sufficient, I mean from a Platonic point of view, I remind you of this. There is one Platonic dialogue which deals most obviously with what we call the religious issue, and that is the *Euthyphron*. Now the *Euthyphron* is the dialogue on piety. There is one characteristic of the *Euthyphyron*, and that is a very characteristic characteristic, namely, a word which does not occur in the whole dialogue. It is the word *soul*. The *Euthyphron* discusses the problem of piety, i.e., of the gods, from

[i] Strauss comments on a student's paper, read at the beginning of the session. The reading was not recorded.

the impossible premise that there is no soul. The conclusion is: But there are ideas, explicitly mentioned. So what Plato does in the *Euthyphron* is an experiment. He starts from the problem of piety—you can also say from the problem of justice—and then it leads up, if one studies it thoroughly and not simply with a mere superficial reading, to the thought that there is no need whatever for god. What do you need? You do not need a just god for your orientation; you need the knowledge of the idea of justice. If you say gods are needed, just gods are needed, then the implicit argument is this. You must distinguish the just gods from any possible unjust gods, and you distinguish them from the point of view of justice. The ideas are higher than the gods. The silence about the soul in the *Euthyphron* means, in my opinion, that the problem of the gods is identical with the problem of the soul as distinguished from the ideas. Now in the Platonic schema, at least as he has always presented it, whatever it may mean, the ideas are above the gods. Consider the famous well-known presentation at the beginning of the *Timaeus*, where the maker of the world looks at the ideas in order to make the world. This is, I think, a clear expression of the state of affairs. And the ideas come up in the *Laws* only in Book 12, toward the end. Surely the whole discussion here is from Plato's point of view provisional, because you have to start somehow from the ideas. But this business, to be is to become, which is here apparently the basis of the whole discussion, is the crucial point and I am grateful to you for your observation.

If I take again the teaching going through Plato and state it all the time (which doesn't mean that it is explained): the soul is akin to the ideas, but it is not identical with the ideas. And here in this argument the ideas do not come up at all, only the soul, and therefore it is necessarily a defective argument.

There is one other point which you made, which can be stated as follows. You spoke of the apologetic character of the whole argument. Is this not so much that he tries to prove something as to disprove something? That is what you mean? I think one can state the difficulty as follows. Why does the necessity of this argument of the Tenth Book arise at all? Well, in Athens there are these atheistic and subversive books, but we are not in Athens; we are in Crete, or say partly in Sparta. And no such books exist there; no one has heard of them. Why the necessity of the whole Tenth Book? How would you answer this question, I mean really entering seriously into the spirit? We are here in an old-fashioned society which is to become somewhat civilized, but it is basically old-fashioned. That the gods exist presents not the slightest difficulty for Clinias here. Why does the Athenian, with a view to a far-away danger of certain things going on in Athens and similar places, make this tremendous insertion of a long, theoretical, theological discussion? How would you explain that? It is explained almost explicitly. Before he speaks of these new-fangled books he speaks of another kind of writings. Do you remember that?

Student: He speaks of the writings of the ancients.

LS: Yes, but what do you think he means by that?

Student: The oldest poets.

LS: Yes. Can you mention a name that might be helpful to some of us?

Student: Homer.

LS: Hesiod. I think Hesiod is more immediately important. All right, but say Homer and Hesiod.

Student: Then I think I follow you, that in these books there are statements about the gods which a reasonable man will think are foolish.

LS: Yes, and which are even immoral. And so, in other words, the point is this. They have Homer or something like that, and this is very bad: this is, in its way, as bad as not having any writings at all (I exaggerate a bit). So Homer must go, it is made clear enough. Therefore, since the old writings are completely out, a vacuum is created into which these new writings might come in if we would not erect a dam in time. That might suffice at the moment as an explanation for that.

Now let us turn to the discussion. Surely, the Tenth Book of the *Laws* is *the* theological statement of Plato. It is not much more than the Second Book of the *Republic,* which is of course the second most important statement on the subject. The context here is penal law, and that is by no means unimportant to consider. The Book begins still in the old style. We had assault and battery at the end of the Ninth Book; now here, violent taking-away, i.e., robbery. From this subject he turns naturally to temple robbery, although we had this discussed already at the beginning of Book 9. But then temple robbery leads us to a more profound consideration: that it could not be committed by any man who does not have false opinions about the gods. They are enumerated in 885b and the later discussion following that: (a) there are no gods; (b) they do not take care of men; and (c) that they are bribable. You see, a man may believe in gods, providence, but if they can be bribed by unjust men, he can behave unjustly in spite of that providence. So these are the three issues. And then he repeats this statement (885d middle, page 299).

Reader:

> [Ath.]: So we claim now, as you claimed in the matter of laws, that before threatening us harshly, you should first try to convince and teach us, by producing adequate proofs, that gods exist, and that they are too good to be wheedled by gifts and turned aside from justice. (885d)

LS: That's all I mean. You see here he repeats it but with a change. Plato never repeats identically. What is the change?

Student: He leaves out that they take care of men.

LS: Providence. So that gives us the first inkling, and I believe that even in this class, with the provisional reading being done, that we can show it: that the most problematic part of the discussion is this status of providence. We will come to that later.

Clinias doesn't see a problem to begin with. He sees two very easy proofs of the existence of the gods. And they are? Do you remember?

Student: He points to the earth and the sun and the moon.

LS: Everyone knows that there are gods, number one. And number two?

Student: The fact that the earth, the sun and the moon are divine beings, somehow.

LS: No, no, that was number one. Everyone knows that sun, moon and stars are gods (except the Jews; they didn't know anything of that). And number two? Everyone believes, the *consensus gentium*, all nations believe that there are gods. The Athenian says these two arguments are not good enough (886a-b). There are atheists, the Stranger says, and then he makes the very remarkable statement, which is not consistently maintained, that atheism is not necessarily due to intemperance, to the desire to live as you like, but it may be due to an ignorance which [one] believes to be the greatest wisdom. I do not know whether all of you know that, but I remember this very well, that in older societies the old-fashioned people could not believe that a man is an unbeliever if he is not wicked—I mean morally bad. And there is one simple sign which I don't believe is as well-known in Christianity as it is in Judaism. In Judaism the unbeliever is called an epicurean, in other words, a lover of pleasure. For Clinias, of course, that is a man who does not want to do his duty; therefore, he seeks an excuse by not believing in the gods. Now, then he speaks of the various writings regarding the gods: the older ones—Hesiod—and the modern ones. Hesiod of course admits gods and speaks of their coming into being all the time, but the difficulty is created by the most recent writings. They say that sun and moon and stars and the earth are stones, inanimate bodies, not gods. You remember the stones at the beginning of the *Minos*? But we have to raise this question. There was another argument, the argument not taken from the accepted divinity of the stars, but the argument taken from the consent of all nations. What do these modern men do with the consent of all nations? Yes?

Student: I notice in the argument here, Clinias' repetition adds the moon to the list.

LS: To the Athenian's list? I hadn't noticed that. Can you explain it? Give me the exact passage.

Student: 886d.

LS: That is the Athenian speaking—sun and moon and stars and earth, but where did the—

Student: Clinias had said earth, sun, stars.

LS: Where was that?

Student: 886a.

LS: I see. Sun, stars and everything. He surely doesn't mention the earth, and he does not explicitly mention the moon. But still you must not forget that the moon is in a way implied, because he speaks later of the month. You know, the division of the year into seasons and months, and that comes, of course, from the moon.

Student: I don't want to labor the point, but after these comments he says that the wise men of Athens say there are only earth and rocks. And the moon in a way is the closest link to the heavenly bodies.

LS: That could be, but you gave me unintentionally an answer to my question, namely, this: The Greeks regard also the earth as a goddess, but do all barbarians do that? I simply do not remember now the passage in the Third Book of Herodotus, where he speaks of the worship of the Persians.

Student: I do not believe they worshipped the earth, as I remember.

LS: I think Clinias renders tolerably correctly the belief shared by everyone, Greeks and barbarians, [about] the heavenly bodies. Then one simply has to look up the passage in Herodotus to see whether there, when he speaks of the Persians, the moon is mentioned. I do not know.

Student: As I remember it, they worshipped sun, moon and stars.

LS: I see, so the earth would be the addition. But I am grateful to you for the observation that there is a certain switch, which again shows that there is never a simple repetition. There is always some illuminating change. But may I repeat my question: What do these modern writings say about the argument, taken from the consent of the nations, that all nations worship gods, hence there must be gods?

Student: Different gods.

LS: And then, of course, the question would always arise between the wise and the unwise within the nation. That would be.

After having been informed that there are such perverse people, the Cretan admits the necessity of a discussion, or rather of a prelude regarding the gods. And this prelude would be a defense of all laws, because the whole legislation will depend on the belief in gods. Now we had already a prelude to the whole legislation in Book 5, as you may remember, in which also the gods were mentioned very emphatically. But this prelude was not argumentative; it was merely a dogmatic statement. So we have then to turn to a discussion. Here there is a special difficulty against which the Athenian warns us, i.e., the danger of indignation. We have to be patient and meek even in this discussion and to be free from any anger or indignation. Now let us turn to the beginning of the discussion in 888 (bottom, page 307).

Reader:

> [Ath.]: How, I ask, can one [possibly] use mild terms in admonishing such men, and at the same time teach them, to begin with, that the gods do exist? Yet one must bravely attempt the task; for it would never do for both parties to be enraged at once,—the one owing to greed for pleasure, the other with indignation at men like them. (888a)

LS: You see, here the Athenian accepts again a diagnosis which he had originally questioned: that it is simply desire for pleasures which prompts these men. But why does he impute immorality to the atheists here? In the context, it makes perfectly clear sense. The imputation of immorality is made here in order to reinforce the demand for non-indignant, non-angry arguments. You see, in other words, he says as it were: If we are angry and unrestrained, we are as immoral as they are, only in a different way, you know. That is the context in which it is meant. Now let us go on where you left off.

Reader:

> So let our prefatory address to the men thus corrupted in mind be dispassionate in tone, and, quenching our passion, let us speak mildly, as though we were conversing with one particular person of the kind described, in the following terms— (888a)

LS: Why *with one*, as emphasized?

Student: It is easier. It is easier to have a discussion with one person than with many persons.

LS: What is the official teaching of Socrates in the dialogues when he speaks about this issue? Well, he makes the distinction between rhetoric, in which a man addresses many, and dialectics, in which one speaks to one. Whether others are present or not is a secondary consideration. The one-to-one is the higher form because it is less emotional and so on. But what does he do here? Is this a one-to-one conversation?

Student: Well, if it were a one to one—

LS: Why is it not one to one?

Student: Because this one person represents a whole—

LS: No. That is all right. But who is speaking to him?

Student: He is speaking to himself.

LS: No, no. That is in every dialogue within a dialogue. That is also important, that it is a dialogue within a dialogue. But we have this one man, this one atheist, and who speaks to

him, one or many? The three. In other words, it is a somewhat unfair situation. That is what you meant by more easy?

Student: No.

LS: But you smelled something of that?

Student: No. I was referring to the fact that if you were arguing, it is easier to prevail on a point in a one-to-one argument than if you are facing three or four people. There it is one man against three or four men.

LS: That may also be. But I think the main point here is that there is a kind of collective on one side and a poor, puny individual on the other. That creates a somewhat difficult situation. And the main point which he makes in the sequel is then that no one has ever persevered in atheism until his old age. That is said to a young man—an edifying remark. Then we come to the discussion proper and first to the thesis of atheism, which begins to be stated at 888e. We begin to read a bit later, because I repeat the main point here first. What do these people say? Now let us try to forget everything we know from the history of philosophy, because the history of philosophy we know after all on the basis of what certain pupils of pupils of pupils of Plato wrote. You know, the historians of philosophy like Diogenes Laertius, and other people of whom we have only the fragments, and then we know a bit from [the] fragments, [which are] difficult to understand as fragments, and the reports in Plato and Aristotle. That's the oldest report we have about anything going on prior to Socrates, coherent report. That is a very important source and one not properly appreciated, I believe. Now what do these people say? They say the primary thing is nature and chance, and the secondary thing is art. Nature and chance are used here interchangeably. Why? Why are nature and chance used interchangeably? After all, we are accustomed to the distinction between the two, from Aristotle and Plato.

Student: Well, things which happen by nature might also be chance in reference to the knowing of them. I[t] wouldn't entail the knowledge of nature—

LS: No, I don't believe that is said, because then they would not be nature and chance in the same sense. That is what he means.

Student: In respect of the things themselves moving there is nature, and in respect of the whole there is chance.

LS: No, I believe it is in the same respect, namely, the absence of mind, the complete absence of mind, the complete absence of intention. When Dante describes in the *Divine Comedy* Democritus, he said: "Democritus who traced everything to chance."[ii] Of course that is based on an Aristotelian statement, but it is ultimately what Plato means. The ultimate alternative is rule of mind or rule of mindlessness. Mindlessness is in a way the same as what we mean by chance. Now this nature or chance beings is here presented as

[ii] Inferno, Canto 4, l. 137.

the four elements: earth, water, fire and air. He could as well have chosen the atoms; apparently he thought this is more simple to understand in the present context. Don't forget that the word "philosophy" never occurs in the Tenth Book, as we have seen. The heavenly bodies in particular are inanimate and therefore the very opposite of any gods. The motions also have entirely this chance character. To take the extreme case, if a stone falls to the earth, according to Aristotle that is not chance but is a meaningful event, because the earth is the place, the natural place, of heavy bodies. In other words, these men in a way say the same thing that modern science says: there are just certain atoms acting and reacting on each other with no rhyme or reason. It just happens, and the outcome of that is the visible universe. Did you want to say something? No. So let us begin to read at 889c (page 313), the third sentence in the long speech of the Athenian.

Reader:

> [Ath.:] It is by chance all these elements move, by the interplay of their respective forces, and according as they meet together and combine fittingly,—hot with cold, dry with moist, soft with hard, and all such necessary mixtures as result from the chance combination of these opposites,—in this way and by these means they have brought into being the whole Heaven and all that is in the Heaven, and all animals, too, and plants—after that all the seasons had arisen from these elements; and all this, as they assert, not owing to reason, nor to any god or art, but owing, as we have said, to nature and chance. (889b-c)

LS: There you have the theory. What he[4] [calls] "reason" would be more correctly translated by "intelligence" or "mind," but it amounts to the same things for practical purposes. That is the opposition. Nature is understood as the opposite of mind. And also, a little bit earlier he says "According to chance out of necessity." That is the same. This kind of necessity, what we call now mechanical necessity, is chance, because it is meaningless. Bodies move without any aim, without any end. They come together; there are all kinds of things of pushing and pulling; that is all there is to it. That is necessary in a way, but an unintelligible necessity, a meaningless necessity. And now let us go on where we left off.

Reader:

> As a later product of these, art comes later; and it, being mortal itself and of mortal birth, begets later playthings which share but little in truth, being images of a sort akin to the arts themselves—images such as painting begets, and music, and the arts which accompany these. Those arts which really produce something serious are such as share their effect with nature,—like medicine, agriculture, and gymnastic. Politics too, [as they say,] shares to a small extent in nature—

LS: "Politics" is of course not a perfect translation; it means the political skill, the political art.

Reader: "[but mostly in art;] and in like manner all legislation which is based on untrue assumptions is due, not to nature, but to art." (889c-e)

LS: So the arts are derivative. I don't have to do much explaining here because that is what modern science teaches also, naturally. In the first place, you have purely inanimate things producing animate things, and these animate things, in certain cases—especially that of man—produce cultures and civilizations or art. He makes here a distinction between three kinds of art. The first is the imitative arts. They have nothing in common with nature except that they imitate it; their products are not natural. For example, a man makes a painting, say a painted man. This painted man doesn't breathe; he doesn't generate. That is a mere[5] [reflection] of what is by nature. Then we come to the serious arts: medicine, farming and gymnastics. This is work by bodies, human bodies, on bodies, and there something can be achieved. These three arts have some respectability. And then we come to a third kind of art which is in between. It is a bit more serious than the imitative arts but much less serious than gymnastics, farming, and medicine: and this is politics. But he makes here a distinction between politics, which has very little in common with nature and much more with art—but the whole legislative art is entirely non-natural and merely artificial because its theses, its assertions, are untrue. So there is a distinction (and this is quite interesting) between the political art, which has something to do with nature, and the legislative art, which is purely fictitious or dealing with fictions. Again, we should recognize present-day views: the interest of present-day scientific political scientists in politics as distinguished from the legal interpretation for understanding of them is in accordance with that. Group politics then exists, but what is coming out finally on the statute books is as such nothing compared with the real things, i.e., the group politics.

Student: Could this be a mistranslation here: "only that legislation which is based on untrue assumptions is due to art"?

Student: Jowett translates it just the other way around: "only also that legislation is entirely a work of art and is based on assumptions which are not true."

LS: I don't know what he does. He doesn't change the text. No, it is a question on which the relative clause depends. I think it is more natural to translate it as Jowett apparently translates it: that the whole legislative art is not by nature but by an art the positions of which are not true. That I think makes very much sense. Well, take a fellow trying to get the most—how does Lasswell[iii] say: Who gets what, when, how. This part of politics is surely natural. These are living beings who try to get the most of the benefits and the minimum of the deprivations. That's natural. Then of course that always takes place within a framework which is not natural, which is merely set up by men, and therefore the whole scheme is artificial with some natural elements working within it. But as far as the laws go, that is to say, that framework, that is entirely artificial. I think that makes sense. Now let us read the sequel: Clinias doesn't quite understand, and we can't blame him, because we have studied social science.

[iii] Harold Laswell, (1902-1978), American political scientist, author of *Politics: Who Gets What, When, How* (1935).

Reader:

> [Clin.:] What do you mean?
> [Ath.:] The first statement, my dear sir, which these people make about the gods is that they exist by art and not by nature,—by certain legal conventions which differ from place to place, according as each tribe agreed when forming their laws. They assert, moreover, that there is one class of things beautiful by nature, and another class beautiful by convention; while as to things just, they do not exist at all by nature, but men are constantly in dispute about them and continually altering them, and whatever alteration they make at any time is at that time authoritative, though it owes its existence to art and the laws, and not in any way to nature. (889e-890a)

LS: Let us stop here for one moment. This is then the social philosophy implied in this natural philosophy. The gods are entirely artifacts, mere human positings. As regards the beautiful or the noble, that is not so simple. There are things noble by nature, but they are not those which are generally regarded as noble, which are only noble by convention and to which they are opposed. As for the just things, they are entirely artificial. The difference between that and modern relativism, at least what they call relativism, is that these people at any rate say there are things which are by nature noble. It is also different for another reason, but let us leave it at that. What could these fellows mean [by] things which are by nature noble? In a way, it is recognized by these, by the tough people in our social science, although they don't say it because, I believe, they don't think about it sufficiently. Certainly it is implied.

Student: The rule of the stronger.

LS: Yes, sure. Once you say the essence of political life is power, period, [6]then you say already by that that those who own more power or know to use it well and efficiently, they are of course superior by the standard inherent in the situation to those who are inept in that or who lack power. Of course you must not forget that this also has some appeal to common understanding, because people are generally impressed by men superior in power, wealth or dominion, whatever it may be. So that is what is meant here.

Student: I was going to say that on the next page, however, the Athenian includes the honorable among those strictly artificial.

LS: But let us go on step by step. Read on where we left off.

Reader:

> [Ath.:] All these, my friends, are views which young people imbibe from men of science, both prose-writers and poets, who maintain that the height of justice is to succeed by force; whence it comes that the young people are afflicted with a plague of impiety, as though the gods were not such as the law commands us to conceive them; and, because of this, factions also arise, when these teachers attract them towards the life that is right "according to nature," which consists in

> being master over the rest in reality, instead of being a slave to others according to legal convention. (890a)

LS: Now we see here first that these same people, the predecessors of our present-day relativists, speak of a life which is correct according to nature, namely, this: once I see that many things are merely conventional and therefore have no intrinsic dignity, I look of course for a life which is correct not merely according to convention but according to nature. For example, let us assume that power is the decisive [inaudible] which we have by nature, then the correct life according to nature would be the possession of power and the clever use of it. But there is one great change made here, because now these people say that to win, to be victorious through violence, is the justest thing. In the immediately preceding statement they said there is nothing just at all, but now they do that. How come? That cannot be a mere slip in a few lines. What drives these people from the denial of the just thing to an assertion that something is just, or even superlatively just?

Student: [Inaudible]

LS: Yes, well that could still be a pure fiction. But look at it concretely. Once you say that everything that is said about justice by people is nonsense, a mere artifice with no intrinsic meaning, but nevertheless that there are differences among men, differences which are in themselves subject to evaluation. Now let us try to look at this and try to express it in this loose modern language. What is animating man, and certainly political man, is the drive for power. As Machiavelli puts it, there is this desire for acquisition. Now if this is of the essence of man, it follows that our natural standard for judging differences among men is with a view to their capacity to acquire. So we arrive at what is called by nature noble as distinguished from the conventionally noble. But now let us look at the situation as it must appear in any practical discussion. Once I have seen that it is natural to acquire in this sense and that this is *the* key thing of human life, but then [I] hear all the time that you shouldn't acquire too much, that love of gain is something base, that it is unjust, then there is a problem. Confronted with this objection, I am of course compelled to say: No, on the contrary, that is of course just because I can't help doing it. And so it is inevitable to go over from the consideration of nobility to the consideration of justice. And from this point of view, what Hobbes later on did when he said that the inevitable, which no one can help willing, that alone is by nature just, is implied already here.

Student: I think it should be added that this is what is said to young people; it is not simply an argument, but it takes on a political context. That's the first time he has mentioned that they say this to young people.

LS: Yes, but there was already a reference in 888a7, when the man addressed was "You child, you are young."

Student: But this change occurs when the philosophers and poet . . . .

LS: Oh, that is very good. And the Platonic evidence for that?

Student: The *Republic*.

LS: Clearer, I believe, in the *Gorgias*, where Callicles speaks of natural justice. That is true. That is a good point. Here what it says is also in a way remarkable, because Plato could say this from his own point of view: that this is the essence of justice, i.e., to slave to others according to law, say, to help others, to benefit others is justice. To benefit others means from this point of view, however, to slave to others because that is something that has nothing to do with your intention, which is strictly speaking selfish. Now where was this remark about the noble that you mentioned in your report?

Student: In the next Athenian speech.

LS: Yes, but that is in a different context, because [the remark is made] from their point of view. Now let us turn to 890d, which is the relatively long speech of Clinias.

Reader:

> [Clin.:] Certainly not, Stranger; on the contrary, if persuasion can be applied in such matters in even the smallest degree, no lawgiver who is of the slightest account must ever grow weary, but must (as they say) "leave no stone unturned" to reinforce the ancient saying that gods exist, and all else that you recounted just now—

LS: Literally translated, "must become a helper to the ancient law by the speech"—they try to change the text here—"that there are gods and all the other things which you have just said." Continue.

Reader:

> and law itself [he] must also defend and art, as things which exist by nature or by a cause not inferior to nature, since according to right reason they are the offspring of mind, even as you are now, as I think, asserting; and I agree with you. (890d)

LS: Yes. Well, I think he means to say that to come to [the] help[7] [of] the ancient *nomos* by the speech that there are gods, and to come to [the] help[8] [of] the *nomos* and[9] art by proving that both *nomos* and art are by nature. Let us skip the next two speeches and read at 891b.

Reader:

> [Ath.:] Most certainly it is, Megillus; and we must do as he says. For if the assertions mentioned had not been sown broadcast well-nigh over the whole world of men, there would have been no need of counter-arguments to defend the existence of the gods; but as it is, they are necessary. For when the greatest laws are being destroyed by wicked men, who is more bound to come to their rescue than the lawgiver? (891b)

LS: I believe this confirms my view that here the speeches regarding the gods as they are are called laws. These speeches are in themselves not merely theoretical assertions. We need speeches on behalf of the greatest laws, and these protecting speeches on the behalf of the greatest laws are different from the original speeches about the gods. In the immediate sequel (and we cannot read everything) there occurs the second oath of the Athenian. I would like to point this out to those individuals who are sufficiently interested in such little things. In 891d-e Clinias realizes, and that is important, that one must go beyond the laws for the sake of the laws. To remain within the province of the laws is absolutely impossible, and therefore, of course, we must read this long argument. Now we begin to read at 892a. We come now to the real proof.

Reader: [Ath.:] "As regards the soul, my comrade—"

LS: You see, here he translates rightly by "comrade."

Reader: "nearly all men appear to be—"

LS: I just wonder why. I don't know whether he ever said "my comrade" before, and if he did not that would be very remarkable. And then, why here? You know, "comrade" has a political connotation, although not the one it has in the twentieth century—the opposite, rather: the oligarchic clubs. Continue.

Reader:

> ignorant of its real nature and its potency, and ignorant not only of other facts about it, but of its origin especially,—how that it is one of the first existences, and prior to all bodies, and that it more than anything else is what governs all the changes and modifications of bodies. And if this is really the state of the case, must not things which are akin to soul be necessarily prior in origin to things which belong to body, seeing that soul is older than body? (892a)

LS: That sketches the general argument. He will prove that the soul is prior to the body. Now if the soul is prior to the body, then law and art, which belong to the soul, are also prior to the body and cannot be understood from the point of view of the primacy of the body. That is the general trend of the argument.

Student: He means prior in time, does he not?

LS: Here, surely.

Student: But he is trying to prove that it is logically prior.

LS: Logically—that word doesn't exist. In rank, that is true. I am delighted that you look on his fingers while he is proceeding. So the primacy of the soul, that is the crucial point. Everything will turn around that. Now let us read the next speech.

Reader:

> [Clin.:] Necessarily.
> [Ath.:] Then opinion and reflection and thought and art and law will be prior to things hard and soft and heavy and light; and further, the works and actions that are great and primary will be those of art, while those that are natural, and nature itself,—which they wrongly call by this name—will be secondary, and will derive their origin from art and reason. (892b)

LS: In other words, what he says is this: you [wrongly] call[10] natural what is not natural, namely, the merely bodily. The truly natural is the soul and everything connected with that. Continue.

Reader:

> [Clin.:] How are they wrong?
> [Ath.:] By "nature" they intend to indicate production of things primary; but if soul shall be shown to have been produced first (not fire or air), but soul first and foremost,—it would most truly be described as a superlatively "natural" existence. Such is the state of the case, provided that one can prove that soul is older than body, but not otherwise. (892c)

LS: By the way, I would like to say there is another Platonic dialogue in which this thought is developed along these lines, and you found some allusions to it in today's report. And that is the *Sophist*, in which a distinction is made between human art and divine art. And the divine art is of course the cause of everything which we call the natural, and this divine art has the mind as the cause. Now let us go on.

Reader: [iv]

> [Clin.:] How are they wrong?
> [Ath.:] By "nature" they intend to indicate production of things primary— (892c)

LS: That is not literally translated. It is a very difficult sentence. "Nature, they wish to say, is the genesis, the coming into being, the[11] change, which takes place regarding the first—which is connected with the first things." Nature is the originally generating. But the expression here indicates . . . .

Student: First things in the sense of time again, or of ranking or importance? There is a certain ambiguity here.

LS: Surely. And do you think I would like to avoid that, and wallow in the most terrible ignorance? Surely we must distinguish. Under one condition, primacy of time would be absolute irrelevant, i.e., if there is an eternity of motion. Then there could not be primacy in time. There would never be a first motion. In this case, there could only be primacy of rank, and that is a great darkness here, to which we come later. Before I go on with the discussion, I must say one thing. This statement, "It is genesis connected with the first

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[iv] The reader repeats a passage just read.

things," would seem to imply that there are first things—beings which are the cause of this motion—which are not necessarily in themselves moved. That we must also consider. The question whether he presupposes here a beginning of motion or assumes the eternity of motion is very dark.

Student: Especially when you start bringing the causal language in.

LS: What is causal and non-causal? Explain that.

Student: What he is trying to prove is an unmoved mover. He is using a causal argument here, as I understand it.

LS: Every argument, I would say, is causal.

Student: Well, I think when we get further in I can show you—

LS: You mean efficient cause, don't you?

Student: No, I think first cause is what he has in mind.

LS: First causes can be efficient, can be material, can be final—so that won't settle that.

Student: In this argument, I think what he means, or what he seems to be saying, is first cause in a temporal sense, and yet he goes from this to necessarily first or logically first.

LS: In rank; logically doesn't exist. But we don't know yet. He merely speaks of first; firstness in time is strongly suggested, but it is not so clearly said as to exclude all other considerations. But if you take the crude notion which prevails in modern times, would not the motion connected with atoms be prior to any motion connected with the stones as stones and plants as plants?

Student: Prior in what sense?

LS: In both senses, I believe.

Student: Well, you can conceive of the motion of a stone and the atomic motion within the stone as going on simultaneously. Again, I don't know precisely what you mean by prior here.

LS: I only say what you learn in every elementary course in science. There were times when there were no stones.

Student: What do you mean?

LS: The whole visible universe had a beginning in time, and was preceded by some "stuff" out of which it came into being. And if you go back you arrive eventually at

certain elements, not elements in the chemical sense now, but certain first things beyond which you cannot go. They are effective even now, of course: the atomic structure and what is going on there. They are still effective. That is what you mean.

Student: I still don't quite understand your point.

LS: These, what you say is going on simultaneously, the movement of the stone and the atomic things going on within the stone. But the one is older than the other. The atomic movements are older than the stone because there were atoms prior to the being of stones. That is the same problem, I believe.

Student: Perhaps it would help if you could explain why priority in time means priority in rank.

Different student: May I say something here? It just seems to me that the question of priority of time, and whether the soul is body and is older than the body or not—they are two separate questions. And that the question of the soul being prior to the body is arrived at, I think, by an argument that abstracts from the problem of a creation which had a beginning in time. The levels of his abstraction are different. The problem is different.

LS: Let us get it straight. If motion is eternal, you cannot speak of a first motion in time, because every motion was preceded by another motion. So you can speak of a first motion in time only if there is a beginning of motion as such. But this doesn't do away with the question of the primacy in rank. That could still be.

Student: But you don't prove the primacy in rank from the primacy in time. Is this valid?

LS: All right, that is a very important question. Why is it not valid? Plato, I would say, would be inclined to say that the first motion—let us assume that there is nothing else in the world except the first motion—this first motion would indeed be in rank the highest. Why? And why are we told not to believe it?

Student: Well, this is the part that completely throws me. First of all, he wouldn't assume this, would he? Motion or energy would be eternal for him. On the notion of the idea of time or motion, then certainly there would be a priority to the original idea of time. This would be a certain kind of priority which wouldn't apply to time at all, if this is what you mean. But then again, he doesn't do this.

LS: I really don't understand you. Does anyone else understand what Mr. ___ is driving at, because it may be my special misfortune not to see it? I believe you didn't make it clear.

Student: If you would repeat your question again.

LS: I believe I understand your difficulty. Plato seems to say, to imply this: Let us assume that there is a first motion and literally nothing else in the world except that first motion, and that first motion accounts for everything else which follows later. Then this first motion is first not only in time but also in rank.

Student: Yes, if these circumstances had occurred, certainly it would be.

LS: Oh, you admit that?

Student: If this had occurred, but in Plato's view motion would be eternal, would it not?[v]

LS: —the hypothesis that there is a first motion. Then I would say that Plato would still say this first motion would be also highest in rank. And then I hoped you would say, "Here we have this terrible dogmatist," because we reject that. But you accepted it.

Student: Well, I accepted it without understanding it.

LS: Well, what do you learn in school today? What is the first motion? I have been told something about a uranium atom. Who says this uranium atom, or the explosion or whatever it was, is the highest in rank? I bet you believe (but if not you, quite a few others, but I think implicitly you believe it too) that the movement which produced *Hamlet* is infinitely higher in rank than this completely stupid explosion of that uranium atom. Or let us take a simple example. Man comes much later than stones in the evolution, but we believe—not as scientists but as simple human beings—that what comes later, out of the more primitive and the more stupid, is higher in rank. Take the ordinary evolutionist view, which is of course atheistic. To illustrate: If you take this view that there is God here, and here let us say the uranium atom [LS writes on the blackboard] and here is man, then of course it is clear that this movement is somehow guided by God, and the genesis of man is not to be explained merely in terms of the uranium atom. Do you see? That is clear, and therefore I said nothing about it. But Plato would say it is absolutely impossible that this thing can be the beginning, that there was a uranium atom or whatever you take, and that out of it the mind can possibly have emerged. That is the issue, which is a bit covered over because he speaks of four elements. But his little step from the four elements to the uranium atom, that we all can take.

Student: I think I understand what he is trying to do, even though I don't agree with it.

LS: You shouldn't agree with him until he has proved his point, certainly.

Student: May I ask what you mean by a primacy of rank if there is an eternity of motion?

LS: Don't forget Aristotle. An eternity of motion, and yet the heavenly motions are higher in rank than what is going on on earth.

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[v] There was a break in the tape at this point.

Student: But what does this higher in rank mean? Is there any relation of causality between the two?

LS: One way. Heaven influences us. We depend on it—snow, to say nothing of the sun. And yet the sun doesn't depend on us.

Student: Well, it seems to me that what Plato says here is that, granted it is irrelevant to be decided now whether there is an eternity of motion or not, what I am saying is that irregardless of that question, the priority of the soul is not simply in rank but also in causality. This motion, even if it were granted that it were eternal, somehow is moved motion.

LS: Surely, Plato says that the soul is higher in rank than the body. There is no question about that. But he also *seems* to say that soul is first in time, and that he uses this popular expression that it is older than the body has definitely a temporal connotation. And I only said that I think it is a characteristic of the argument that this question of the eternity or non-eternity of motion is not stated. That is one point. Now let us go on and read where we left off. 892c2

Reader: [Ath.:] "By 'nature' they intend to indicate production of things primary is the genesis[vi]—" (892c)

LS: "Connected with the first things," that is the literal translation.

Reader: "but if soul shall be shown to have been produced first (not fire or air), but soul first—"

LS: That is also not literal enough, considering its importance: "if the soul will come to sight first" would be absolutely literal. Or it can also mean "if the soul will come to sight as the first."

Reader:

> [and foremost,—] it would most truly be described as a superlatively "natural" existence. Such is the state of the case, provided that one can prove that soul is older than body, [but not otherwise].
> [Clin.]: Most true. (892c)

LS: You see, he does not say, again, that the soul is simply the first. That is important. Among the first and older than the body, but not simply the first.

Student: This is an adequate translation. Such as he stated the case provided that one can prove that the soul is older than the body, but not otherwise. Is that literal enough?

[vi] In the Loeb: "they intend to indicate the production of things primary"

LS: Yes, that is literal enough. Older than the body doesn't mean the oldest, that is clear. That is of some importance in that that is a kind of allowance for something perhaps higher than the soul, what Plato calls the ideas. It is also not said that the soul is *always*, or will be always, or was always. That is important. This is the thesis. The proof is given in a conversation within a conversation, which will prove to be a conversation with a young man. If we had any doubt about it, it will be dispelled by a remark in 900c. The conversation is with a young man because of the oldness of the two old Dorians; they can no longer walk and swim as easily as a young man can. Now let us omit something, skip the next long speech of the Athenian and begin at the next long speech of the Athenian in 893b, page 327.

Reader: [Ath.:] "Come then,—if ever we ought to invoke God's aid, now is the time it ought to be done." (893b1-2)

LS: Note that "god" is singular.

Reader: "Let the gods be invoked with all zeal to aid in the demonstration of their own existence." (893b2-5)

LS: You see here a very strange transition in the same sentence from the singular to the plural. One could suggest of course this simple distinction, because the Greek word, like the Latin word *deus* (with a small letter), means not only god but also *a* god. So they call on one god, but that doesn't completely help the situation. And this is very strange because it is matched with another thing, namely, in the sequel, when you look at 893c, where he begins with a question: "Some things are being moved and others are at rest, I shall say." Do you see that? Now if you skip the next two speeches you see that when he speaks again he says: "We shall say." And then later on, "We learn" and then again "We." In brief (we would have to read too much [more] than we can afford in this class to see all of this), this transition from the singular to the plural in the case of the gods is matched by a strange transition from the singular to the plural of the human speaker. I am not in a position to offer an explanation of it, but I think one should consider that.

So let us now come to the demonstration. The demonstration is, in a very general way, the same as the Aristotelian demonstration—a demonstration called in the Middle Ages a demonstration of the existence of God taken from the fact of motion, movement. But the Platonic proof is indeed very different from the Aristotelian one in every detail. He begins with a distinction of various kinds of motion. One of these kinds of motion is coming into being, in Greek, *genesis*. Let us read at the beginning of 894, page 329.

Reader: [Ath.:] "'And what is the condition which must occur in everything to bring about generation?'"

LS: More literally translated, "the coming into being of all comes into being." That is a neat statement of the problem. You see it. Now let us take the old question. Either there is eternal motion—motion as motion has never come into being, but if motion has come

into being, there was a motion which brought into being motion. Now let us begin again with the reading of this sentence.

Reader:

> "And what is the condition which must occur in everything to bring about generation? Obviously whenever a starting-principle receiving increase comes to the second change, and from this to the next, and on coming to the third admits of perceptions by percipients. Everything comes into being by this process of change and alteration; and a thing is really existent whenever it remains fixed, but when it changes into another constitution it is utterly destroyed." (893e-894a)

LS: Let us stop here. Now first there is this question of the genesis of genesis, of the coming into being of coming into being. And this is replaced in the sequel by the genesis of everything, which excludes, I believe, a genesis of genesis, a coming into being of coming into being. Coming into being is always: that is, I believe, the implication. Secondly, he makes here the remark that a thing is truly only if it rests, to the extent to which it does not change. What is the meaning of that? Now you see here three stages of the coming into being, and this is understood by the commentators, rightly I believe, as the three dimensions: the line, the circle and the body—and only in the latter case is it possible that there are perceivers. If there were no bodies, no three-dimensional things, there could not be perceivers of sensually perceivable things. What is he driving at here? You see, we started from this premise of the opponents, that there are such things as the four elements—say, atoms, it doesn't make the slightest difference. These atoms are primeval and always, and they are endowed with certain motions. Out of these motions the visible universe grows. The first step in Plato's argument, to the extent to which I understand it, is this: that he says before we talk about all these things, we must look at motion in general and distinguish the various kinds of motion. What you do is to treat all these different kinds of motion without making this distinction, the distinction between coming into being, between growth, between change of qualities, and finally locomotion. Now what Plato has in mind here, I think, although I cannot make it stick now, is this: the old story, the thing, the four elements, or something of this sort. But how to understand a thing, say, a dog? It is very well to say the dog came into being out of the four elements, but the dog is not sufficiently understood as four elements, or a combination of four elements. This is, I think, the basic premise of the whole analysis. Now after having made this distinction between the various kinds of motion, he says there is one of special importance, and this is self-motion. All kinds of motion which are not self-motion means a body is moved by another body. There are also motions which originate within the body itself. And Plato contends that self-motion is primary, and everything turns around that.

Student: Does he beg the question when he says that self-motion is not promoted by other bodies?

LS: The question is: Is there self-motion? I think that Plato argues as follows. If there is to be a beginning of motion, it can be found only in the self-moving thing. That I believe is what he is driving at. Let us first read 894e, the speech of the Athenian beginning there.

Reader: [Ath.:] "This: when we find one thing changing another, and this in turn another, and so on,—of these things shall we ever find one that is the prime cause of change?"

LS: Literally translated, "a first."

Reader:

> How will a thing that is moved by another ever be itself the first of the things that cause change? It is impossible. But when a thing that has moved itself changes another thing, and that other a third, and the motion thus spreads progressively through thousands upon thousands of things, will the primary source of all their motions be any else than the movement of that which has moved itself? (894e-895a)

LS: I think that is the central part of the argument. I repeat, it is based on one premise: if there is to be a beginning of motion, that can be found only in a self-moving thing. Now let us see whether that is true, that is, to make the distinction between self-moving and moved things.

Student: Does this not assume that the distinction between self-moving things and things which are simply moved by another is on the same level, is the same kind of motion as the other eight?

LS: No, no. They are explicitly distinguished as kinds of motion.

Student: Yes, as all-comprehensive?

LS: Yes, the distinction is represented as all-comprehensive. There are *n* kinds of motion, but we can divide them into two fundamental kinds: self-motion and moved by others. Now, he says that self-motion has primacy, and primacy not only in rank but also in time. The argument is this: if there is a beginning of motion, the beginning can be found only in a self-moving thing.

Student: But this is the very thesis I am attacking. It seems to me that the question if there is a beginning is irrelevant; right here it is irrelevant. Because if the motion, whether it is eternal or not, is of the kind which is not self-moving, then it means therefore that somehow or other, however you conceive it, there must be a self-moving motion causing that in some way or other.

LS: Now what are the alternatives? It is very well to attack Plato, and we should do that by all means. But first we must try to understand what he means.

Student: I think this is what he means.

LS: And what then would be your objection, precisely?

Student: I am objecting to your saying that in his argument is the basic premise that if there is a beginning of motion, then a self-moved mover must be responsible for it some way or other. Now the thing I'm saying is that this is unnecessary. If all motion, whether eternal or not, is comprehensible as being moved motion—the motion here that we see—then there must somehow exist outside of this a self-moved motion. And the question is not whether motion is eternal but whether if the motion which is comprehensible with being or coextensive with being is moved motion or not. That is what the question is.

LS: You mean that we can discuss it with entire independence of the question of eternity or beginning of motion. All right, how does the argument run? How do you make it stick that of the two, let us assume that we find both moved motion (and we see [this] all the time) and that there is also such a thing as self-moving motion? He assumes that this exists. But now how do you establish the primacy of self-moved motion?

Student: The way he establishes it, that if there is moved motion—whether this moved motion is eternal or not is out of the question—if it is moved motion, then somehow, eternally or in the beginning of time if it is temporal, there is a self-moved motion responsible for it.

LS: But I don't see how he proves that. How do you prove it?

Student: The question then is: Is the whole of being to be characterized as moved motion?

LS: I don't quite recognize in that the Platonic formulation, although that is a minor consideration. Why could it not be? Let us assume that this is what the opponents say, that all motion is moved motion. In other words, whenever a body or a particle of a body moves, it is moved by another moved thing, and so on ad infinitum. By the way, ad infinitum raises already the question of beginning or end, but I don't want to pursue that. But how does Plato argue against this? Why must this originate, this whole change for thousands and thousands of years, originate in a self-moved thing?

Student: Well, I hate to say "by definition." I mean, he is talking now about the whole, whether this whole is conceived of in infinite extension or not. He is talking about the whole being characterized by moved motion. And then if this is true, must there not be [self-moved motion]? Moved motion is simply insufficient to account for itself.

LS: But how to show that? How does he show it? I mean, the only argument that I was able to discover in the course of my present reading, which is of course not good enough, is this: that if there is to be a beginning of motion, then it can only be found in a self-moving being and not in a moved thing. Because, you know, the thing that is moved by something other than itself has the origin of its motion in the motion of another thing, and you go on ad infinitum. If you arrive at something which has a movement in itself, then you can rightly say that you have arrived at the first motion. What Plato seems to say is this: any first motion must be the motion of a self-moved body. In order to indicate the difficulty, let us remember how the things were at least in the earlier development of

modern philosophy of science. If you have an inert matter, then the question arises: Where does the movement come from? That was the objection of Spinoza to Descartes, by the way. And what did Spinoza say (and this, by the way, was the answer given later on by everyone)? That is wrong to understand matter as unmoved. Matter is essentially motion. Or if we go back to the Platonic examples of the four elements: the four elements, or atoms, whatever we call them, are as such in motion. Now if the atom is in itself moved, then it would be self-moving. This grave assertion that the self-moving, that which has the origin of motion in itself, is necessarily so, is in addition a very great difficulty, a difficulty which is in a very cavalier way disposed of here. I don't mean to say that Plato did not mean something very serious by making the distinction between self-moved and moved by others, and that he was linking up the self-moved with the soul. He meant that. I am now concerned only with the argument. And I see now more clearly why I agreed with you when you read your paper and why I was not sure whether I could fully agree with you, but I was glad that you put your finger on the point. The whole argument is here linked up indeed with the question of coming into being, that is clear. But I would now say more specifically that the question is now linked up with the question of the beginning of coming into being. And that of course leads to a somewhat narrower discussion, because the possibility of eternal motion is ruled out. I still believe that. But we cannot solve this question now.

There must be a beginning of motion, if not in time. All motion presupposes a moved thing which is not the product of movement. Even those people with the four elements say these four elements have not come into being by genesis, there is no motion leading to fire, air and water. And this substratum must have the origin of movement in itself. But, as I say, this is a very great question whether you cannot conceive of these bodily things as possessing movement in themselves. Certainly that is not disproved here. I think the decisive step is taken in 895c, which we can read. This is again a dialogue (page 335).

Reader:

> [Ath.:] Now that we have come to this point in our discourse, here is a question we may answer.
> [Clin.:] What is it?
> [Ath.:] If we should see that this motion had arisen in a thing of earth or water or fire, whether separate or in combination, what condition should we say exists in such a thing?
> [Clin.:] What you ask me is, whether we are to speak of a thing as "alive" when it moves itself?
> [Ath.:] Yes.
> [Clin.:] It is alive, to be sure.
> [Ath.:] Well, then, when we see soul in things, must we not equally agree that they are alive?
> [Clin.:] We must.
> [Ath.:] Now stop a moment, in Heaven's name!— (895b-d)

LS: You see, another sermon. Now the argument—which is developed at much greater length in the sequel, although without adding to the crucial point—is this: Whatever has

the principle of movement in itself is living, that is to say, it has a soul; and this is the proof of the primacy of the animate compared with the inanimate. This, I think, is the nerve of the argument. To repeat: if there is to be a beginning of motion, it can only be found in a self-moving thing. But to be self-moving means to be living, i.e., to be animate, to have a soul. Hence the primacy of the soul. Obviously this argument requires a very long discussion, which is not given here, in order to make it stick.

Student: Well, do you think that by "animate" here he means simply energy, or does he mean something much more?

LS: The term "energy" doesn't appear.

Student: But I am trying to fit it into how we think about these things.

LS: Energy as energy is also inanimate.

Student: Energy is animate for Plato?

LS: If there were such a thing as energy in Plato. Well, he speaks of four principles: fire, water, air and earth. You can replace this by any other principles of the same kind: atoms, and however you understand the atoms; it doesn't make any difference. The main point is that they are meant to be inanimate. And the assertion is that these inanimate things are the principles of everything animate—and especially of man, and especially of the mind. That is the assertion vulgarly known as materialism.

Student: As what?

LS: Materialism.

Student: The inanimate things are prior to animate?

LS: Yes, and that they explain the animate things and the mind.

Student: I am just trying to see how this problem arose in the first place.

LS: But what will you do? Either you assert the eternity of the human race, you see, then the question of the origin of man doesn't arise. But if you consider it possible that man has come into being, then the question arises: Out of what? Clearly out of non-man. Now what would that be? The same reasons which make man inclined to believe that the human race has come into being make[12] [him] inclined to believe that all animate things have come into being. So then you go back to inanimate elements, something inanimate out of which everything else has grown. The question which you raise is a very reasonable one. Why should we assume [that]? But it seems for some reason that the first efforts of the human mind to give such accounts all turn to [the] inanimate as the ground for everything else. And that this is somehow connected with Socrates, Plato, and Aristotle, that this was changed, you know. But that would lead us now really too far.

Here we are confronted with a historical fact that a materialistic approach prevailed prior to Socrates, was regarded as [true][13] and at the same time degrading, and here he discusses it and tries to refute it. And the simple counterassertion is that soul is primary as compared with the body. "Body" means of course not the organic body but these bodily things like fire, and earth, and atoms.

Student: I was wondering how Plato's argument would hold up against Hobbes' comment about motion being the cause of itself, or that motion moves itself and therefore, according to Plato, motion would be alive.

LS: No, Hobbes tried to establish a materialism of the strictest kind.

Student: Yes, but what Plato is saying here is that whatever is moved is alive, or—

LS: Sure, that is a very difficult . . . but to get rid of Hobbes is extremely simple, I must say, because what one has to read is not his very emphatic statements, e.g., to be means to be a body and all these famous remarks in the *Leviathan* and so on, but rather one has to go into the precise analysis which he gives in his book on the body, *De Corpore*. What is that body? What is that body which is moved? That is the question which he raises there. Movement is movement of bodies, and there is nothing but movement of bodies—that is what Hobbes says. Even a thought of man is a movement of the body, and he says all these nasty things in order to prove that, but I do not want to go into that. The question is: What is body? What is that which is underlying any motion? Of course it must be the product of previous motion, you know, it cannot be self-explanatory. It must be explained itself in terms of body. Then you have to go back ultimately to some particles. Yes, but no new difficulties arise here for Hobbes. The end result of this very complicated thing which Hobbes did not prove, I am afraid, is that these particles are ultimately postulates of the thinking mind in order to give a convenient account. They are mere postulates, and thus[14] Hobbes's materialism dissolves itself eventually into a kind of methodological doctrine of science. That is the difficulty. Hobbes was no longer an ancient materialist. They didn't say: These are postulates. [They said]: I can show you fire, water, air and so on and, they would assert: I can show you that if you do not have recourse to them you will not understand anything. But let us come back to this point.

In the immediate sequel he says the word "soul" means the same thing as what in the form of a sentence reads: "the moved thing which is able to move itself." Self-moving and soul are the same thing. The conclusion: but if the soul is prior to the body, then such things as art and law are of course also prior to the body. Law, rather than what these other people say, is nature, meaning the originating principle. Now we get into deep water, and that is decisive for the rest of the argument. Today's report referred to it, but I don't think the reporter understood the bearing of it. 896d5 to e7.

Reader: [Ath.:] "Must we then necessarily agree, in the next place, that soul is the cause of things good and bad, fair and foul, just and unjust, and all the opposites, if we are to assume it to be the cause of all things?"

LS: No, that follows necessarily, I trust. Once we have proven that soul is the cause of everything, it is of course also the cause of good as well as of bad, of the just as well as the unjust.

Reader:

> [Clin.:] Of course we must.
> [Ath.:] And as soul thus controls and indwells in all things everywhere that are moved, must we not necessariliy affirm that it controls Heaven also?
> [Clin.:] Yes.
> [Ath.:] One soul, is it, or several? I will answer for you—"several." Anyhow, let us assume not less than two—the beneficent soul and that which is capable of effecting results of the opposite kind.
> [Clin.:] You are perfectly right. (896d-e)

LS: Now that is crucial, and that is one of the most controversial passages in Plato's work: the assertion of a *bad* soul and, as people usually say or sometimes say, the bad world soul—dualism, manichaeism, and the whole story. There is no question that here this is asserted, whatever Plato says in the *Timaeus* and other passages. And we have to try to understand that and its meaning here. The cause of everything is soul. But since everything consists of two opposite classes, good and bad, just and unjust, there must be at least two causes, a cause of the good and a cause of the bad. Now since the cause is admitted to be soul, there must be a good soul responsible for the good things and a bad soul responsible for the bad things. By the way, there is a certain agreement between that and the *Republic*, because in the Second Book of the *Republic* it is explicitly said—there he speaks of God and not of the soul—that God is the cause only of the good. But then the question arises: What is the cause of evil? The answer given in the Second Book of the *Republic* is sin. Fundamentally it is the biblical argument: sin, human fault. But there are great difficulties to this explanation in the *Republic* itself, as I cannot possibly show now because we must go on. In the *Laws* he gives this answer: the cause of evil is a suprahuman bad soul. And he doesn't say it has become bad by a fall; it is so by itself. Someone wanted to say something?

Student: Well, he defines soul as self-movement, and this is how he got things going in the first place. We have gotten to that. But now we find ourselves with two souls . . . .

LS: We find later on even more than that.

Student: But here the question arises, which of these is higher in rank.

LS: Oh, that he answers. You see, the trouble is—well, take *Socrates's Apology*.[15] [They] had a thing—you know, when they made their defense speech—there was a kind of watch which showed them when the time was up, the time when he could no longer defend himself. And Socrates said how disgraceful it is. We talk about the most important subject and a watch is there which compels us to close for no other reason except that the time is up, and yet we are not through with our discussion. Although we are, fortunately, not in a criminal court here, still we also have to consider the time; therefore it is

impossible now to solve this problem. I can only repeat what I believe to be the crucial argument. If there is to be a beginning of motion, there must be self-moved things. But self-moved things are as such necessarily soul. Hence the beginning of all movement is soul, or souls. With that we must now close this discussion, not because it is closed, but for this silly reason. But we want to understand it better and should.

Now the next step is, one soul will not do. We need at least two souls because there are opposite things, good things and bad things. Now in the sequel he develops this point: What is it which makes the soul good or bad? There is no question: the mind or mindlessness. The thoughtful soul is the cause of all good, and an ignorant or stupid soul is the cause of all evil. Thoughtlessness is as much a possible quality of soul as thoughtfulness. Of a stone we do not really say in strict speech that it is thoughtless. It is beyond that level where it would apply to it. Now this leads to a grave consequence. *Nous*, mind, intelligence, is not the cause of everything. There is an independent cause of evil: that is the soul which is connected with thoughtlessness. Then the question arises, which was raised by Mr. ____: Which of these two souls or of these two kinds of souls rules the whole? The answer given is: the good one, because of the visible order. And that I think is crucial for the understanding. The soul which rules the whole is the *predominant* [one]; it doesn't mean that it rules everything. The notion suggested is this: an ordered whole which as a whole is reasonable and ordered, but within which a disordering element exists and has power. We can perhaps read 898a10-c, page 345.

Reader:

> [Ath.:] If we described them both as moving regularly and uniformly in the same spot, round the same things and in relation to the same things, according to one rule and system—reason, namely, and the motion that spins in one place (likened to the spinning of a turned globe),—we should never be in danger of being deemed unskillful in the construction of fair images by speech.
> [Clin.:] Most true.
> [Ath.:] On the other hand, will not the motion that is never uniform or regular or in the same place or around or in relation to the same things, not moving in one spot nor in any order or system or rule—will not this motion be akin to absolute unreason?
> [Clin.:] It will, in very truth.
> [Ath.:] So now there is no longer any difficulty in stating expressly that, inasmuch as soul is what we find driving everything round, we must affirm that this circumference of Heaven is of necessity driven round under the care and ordering of either the best soul or its opposite.
> [Clin.:] But, Stranger, judging by what has now been said, it is actually impious to make any other assertion than that these things are drivieni round by one or more souls endowed with all goodness. (898a-c)

LS: So in other words, the cosmic motion as a whole is ordered and sensible, but within this whole there is also a root of disorder which is subordinate [to] but not controlled by the best soul. And this dualism is really a part of Plato's doctrine. In the *Timaeus* he seeks for a cause of all the irrationality and disorderliness, and he doesn't call it there a soul.

That is another consideration. But there is an independent and irreducible cause of irrationality. If we use the language of Aristotle or of later Aristotelians, there is this distinction: there is something like matter and matter which is the cause of evil—the old story—which is not controllable by reason completely, and which is ultimately the cause of all evil, including of course human evil. We cannot go into the sequel, but in the immediate sequel the consequence is very simple. He tries to show them that the stars are animate beings, and therefore they are gods. We are now back at the beginning. This much about the discussion of the existence of the gods.

Now we come to the discussion of providence. I can only say this. The whole argument regarding providence is based on a complete silence regarding that other principle, the bad soul. The argument is based on the disregard of that, that is to say, it is essentially defective, and that I think explains the silence, the strange silence, about providence at the beginning of the Book[vii] in 885d, to which I drew your attention. Now[16] the problem of providence is of course a simple one: the prosperity of the wicked and the misery of the good. This is argued out on the basis of the premise that the gods are good. How can there be prosperity of the wicked and misery of the good? He excludes that the gods could be careless, neglectful, or cowardly, or lazy. If the gods have all the virtues, there must be providence. And then of course, the question arises: What about the prosperity of the wicked? And he takes care of that. But I can only say this: you will look in vain for an assertion of omnipotence. Omniscience is granted in 901d, but no omnipotence proper, and there are quite a few references to that.

Student: What about 901, toward the end, where he says, "And do you admit also that they have," meaning the gods, "all power which mortals can have"?

LS: Well, "can" have. How do you know that they can have all power, omnipotence? But if you take, for example, 902e8, or 902,[17] he uses the superlative regarding wisdom. But later on when he speaks of willing and being able to, power, he does not use the superlative. And I would say necessarily so, because if there is such a principle of evil which can only be subordinated but which cannot be eradicated, there cannot be omnipotence.

One would have to go over this whole thing, carefully considering, and really considering carefully, [and distinguish] between powerful or potent and omnipotent. Omnipotence is not asserted. Then one must expect that there will be always evil, and evil not due to guilt but due to the nature of things. And I think that was Plato's view. In some myths he presents it differently; for example, in the Tenth Book of the *Republic*, the guilt is that of the chooser. God is guiltless, the guilt is of the chooser. But the question arises, then: Why does the chooser choose as he chooses? Is this due entirely to choice, or is it not connected with his *physis*, with his nature and so on? The whole problem is of course involved in that.

[vii] Book 10.

And then I would like to mention this. In 903-904 he gives an explicit myth which explains the prosperity of the wicked and the misery of the just: the concern is the blessedness of the whole and not of the part. Hence we can say the unhappiness of the individual is not an important consideration. It is something like Leibnitz's notion, who under entirely different conditions said that we must be good citizens in the city of god: that is true wisdom and true serenity.[viii] And that means to recognize the necessity of evil. It amounts to that in Leibnitz. And then we see that this world is really the best possible world, because if there were no evil in it, all the good which exists would also not be possible. The myth otherwise says, of course—he speaks [of] the ease which is afforded to the doubter by the doctrine of transmigration or immortality. In other words, a just man who is at present unhappy may very well be happy in the next incarnation. Let us look at 905b (bottom, page 369), in the midst of a long speech by the Athenian.

Reader:

> [Ath.:] And the same rule, let me tell thee, will apply also to those whom thou sawest growing to great estate from small after doing acts of impiety or other such evil,—concerning whom thou didst deem that they had risen from misery to happiness, and didst imagine, therefore, that in their actions, as in mirrors, thou didst behold the entire neglect of the gods, not knowing of their joint contribution and how it contributes to the All. (905b-c)

LS: The joint contribution, I would say, even of the wicked to the whole, of which they of course are absolutely unaware. They think only of themselves.

Well, I must say a word about the laws regarding these problems because it is—that the gods cannot be bribed is relatively short, and that is a fairly simple thing. That follows necessarily. If the gods are of any respectability, they cannot be bribed, that goes without saying. But what about the laws regarding impiety? Now there are two types of atheists. We take first the atheists and then those who deny providence. As to the two types of atheists, the first are just men and the second are unjust men, but clever unjust men (908b-e). But then it is somewhat changed. The first are characterized by open speech: they say everything and [are] mockers at the same time; and the others are so-called gifted men, embracing soothsayers as well as sophists. And he divides these latter, of which there are many kinds, into two most important kinds: the ironical men and the non-named type. The non-named of these go to jail. For the ironical that is very strange (908d-e). Let us read that.

Reader: [Ath.:] "Of these there may be many kinds; but those which call for legislation are two, of which the 'ironic' kind commits sins that deserve not one death only or two, while the other kind requires both admonition and imprisonment." (908d-e)

[viii] See his *Discourse on Metaphysics,* especially section 36: "God is the monarch of the most perfect republic composed of all the spirits, and the happiness of this city of God is his principal purpose."

LS: Now this is all he says about it. How are the ironical people to be punished? He says only[18] what they will not be punished [with]: not with one death nor with two deaths, but with what?

Student: With three deaths?

LS: That could be, but he doesn't say it. You can also say no deaths; that is also neither one of them. It is left open. So in other words, Plato is not quite as savage as some people have presented him. And then he speaks of the types of the other deniers, and he distinguished them into two classes: those who are characterized by blindness, without viciousness; and then those who are bestial. Those who are blind without viciousness get five years in the reformatory, and if they do not recant after the five years, they will be killed. And the others get lifelong imprisonment. So there is no question that there are penal provisions in Plato's *Laws* for unbelievers of various kinds, but it is not quite so hard and fast as it would look at a first reading.

But the main point, and with this I return to something I said at the beginning of this course, is this: the whole thing makes very much sense if we assume that it is Socrates who is talking here. The speaker has so many qualities in common with Socrates—Socrates, who has followed the advice of some of his friends and left jail but has not followed the advice to go to Thessaly, where Meno and those wholly lawless follows live, but [has chosen] rather to go to Crete, a lawabiding country, and become there the benefactor of these somewhat backwardish people. And thinking of course of the problem of his own fate and what could happen, he is also reforming the legislation regarding impiety, because Socrates was condemned for impiety. There are rude laws against impiety, but the most obvious change is this: No one is here put to death for merely not believing in the gods worshipped by the city. The gods which have to be accepted are the gods of the universe. In other words, a rational or natural theology, at least ostensibly or explicitly, is to take the place of the merely civil theology. And in addition, the punishments are a bit more human[e]. You see, no one is put to death immediately; they are given an opportunity to learn better in these reformatories and the other place—I don't remember now how he calls it—which is in a somewhat more savage country, befitting their state of thought, until they recant.

[end of session]

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[1] Deleted "when."
[2] Deleted "of."
[3] Deleted "it."
[4] Deleted "says."
[5] Deleted "reflex."
[6] Deleted "and"
[7] Deleted "to."
[8] Deleted "to."
[9] Deleted "to."
[10] Moved "wrongly."
[11] Deleted "chance."

[12] Deleted “them.”
[13] Deleted “untrue.”
[14] Deleted “the.”
[15] Deleted “that.”
[16] Deleted “about.”
[17] Deleted “where.”
[18] Moved “with.”

Session 14: March 3, 1959

Leo Strauss:[i] [in progress] —good job of reporting and you had in a way the most difficult Book, because in all the other Books there was a big theme which was visible at a first reading, and here there seems to be a dispersal of material. I cannot blame you for not having been able to go beyond this general statement that the Eleventh Book is chiefly negative. I believe one can do better than that, but it is at least an attempt to give an overall characterization of the Book. And I also appreciated that you put together—or tried to find at least one broader theme among the many smaller themes by concentrating on the question of death penalties, this way to arrive at a deeper stratum of the problem. There are so many things where one can go deeper. For example, you mentioned the fact that a subject was dropped—an interesting subject, I would say—was dropped without further consideration, namely, that since trade is such a dangerous occupation and manifestly necessary and in itself beneficent, the most virtuous members of the community should become traders. And it would have been an interesting subject to see why it was dropped; it would have been worthwhile to go into that.

But I would suggest this general remark about the Eleventh Book. I would say it is the least orderly Book in the whole work, and I will later try to prove that. And even if one follows your presentation, one could see this jumping from one subject to the other without a principle of transition. And at the same time, it seems to me, at any rate, to be the most moving Book, I mean on a very simple level. For example, the statement about orphans, and the statement about the aged parents. I don't believe there is a parallel to that in its simple moving character. Now I would try to link this up with the subject matter of the preceding Book, the Book on the gods, on providence. Now these themes, the aged parents[1] and the orphans, are perhaps the most striking cases of helpless people. The Roman word *pietas* which is underlined, piety, has also this implication in particular. You know, piety in Latin, that is also applied toward parents. It seems that Plato is here somehow dealing with the human or humane rules, if one can put it this way, of religious feelings proper. But that is a mere guess and a mere tentative suggestion. The question of order or lack of order is more amenable to treatment here. For example, and this almost appears from your presentation, he discusses first divorce and then immediately afterward poison. And it is of course easy to find connections via pills. You know the subject pills, which could fill both. There is, I think, only one clear distinction made in the Book of subject matter. Let us look first at the beginning of the Book.

Reader: [Ath.:] "In the next place our business transations one with another will require proper regulation." (913a)

LS: And now let us turn in your translation to page 419, 922a.

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[i] Strauss comments on a student's paper, read at the beginning of the session. The reading was not recorded.

Reader:

> [Ath.:] We have now made regulations for most of the more important business dealings between man and man, excepting those regarding orphans and the care of orphans by their guardians; so, after those now dealt with, these matters must necessarily receive some kind of regulation. (922a)

LS: So orphans—and orphans are also a property question, i.e., the property of the orphan—seem here to be presented as a subdivision of business relations. But one could also say on the basis of the gravity of the matter that this is the second great subject. Business relations first, and then orphans. That is the only important distinction of subject matter, of order, reference to order, made in the Book. But it is very complicated. If we turn, for example, in order to look at the order of the subject matter coherently, to the subjects, the first subject is treasure; then he goes over or switches to the subject [of] things found. Now treasures are of course not strictly speaking found. You have to dig in order to see whether there is anything to find. But what is common to treasure and things found?

Student: They belong to someone else.

LS: Yes, but in robbery also you take away someone else's. What is the characteristic of treasures and things found?

Student: The worth is not in proportion to the effort expended.

LS: Well, in the case of the thing found there is no effort except perhaps to stoop down and pick up this thousand-dollar bill, or whatever it may be, so that can't be the common thing. What is the difference between treasures and things found on the one hand and, say, property which is stolen on the other?

Student: You don't know who the original owner is in the case of treasure and things found.

LS: Yes, that is true, but I think there is something else, something connected with what you mean, but there is something else: because it has no known owner, it is less watched, less protected. The lost thing is not protected at all because the owner may not know that he lost it, and if he has lost it he doesn't know where. It is unprotected. The things which are still in his property are somehow subject to his looking for them at the right place.

Now he turns after that to slaves and free men, especially slaves first. Slaves are also property. But what is the characteristic of slaves as property as distinguished say, from some household utensils?

Student: Alive.

LS: It is alive, surely. But looking at it from a harsh property angle.

Student: It is more closely watched.

LS: A slave is more closely watched, surely. But what does it have in common? What connects the slave with the thing lost and distinguishes him from the household utensil? The slave has a tendency to run away. You know, the protection is here particularly difficult, since a human being is much cleverer about that than a sheep or [an] ox would be. In other words, his willingness to run away and the ability to run away is a transition to the things which have run away, as it were, without any hope of recovery except by mere accident. I just want to show you that there is some connection. One only has to think about it.

Now the second great subject, as I said, is orphans and guardians, especially orphans. Then there is a transition not explicitly made to another great subject, the relation between parents and children, husbands and wives, but with the greatest emphasis on aged parents and grandparents. So orphans and these aged parents stand out as the great theme in the center of the Book, and they deal with human beings who are particularly helpless and therefore in need of a much higher degree of justice on the part of the others who are connected with them. Piety, *pietas* in the Roman sense, is the great theme in the center of the Book. Up to this point the order is tolerably clear, but then we come into a complete mess. He begins with sorcery and witchcraft, then turns to violence, verbal injuries, madmen, again verbal injuries, beggars, damage done by one's property—slaves and beasts—and finally witnesses and pleading. But if we look more closely, we see this: sorcery and witchcraft come first; in other words, one can say superstition in opposition to genuine piety. Then he goes over to madmen. I know that the first subject is violence, but I will bring this in later. The connection between sorcery, witchcraft, and madmen is also clear considering the religious interpretation of madness which existed in classical antiquity. As for the subject of violence,[2] [it] then leads to other forms of injury, namely, verbal injury, and the special theme there is ridiculing fellow citizens—[an] explicit reference to comedy. So you see, you have now up to this point these recognizable subjects: sorcery, witchcraft, madness, comedy. The next subject is beggars. Do you see any connection between comedy and beggars? The first word of the section dealing with beggars is pity, or compassion. Does this ring a bell?

Student: It reminds of Aristophanes and—

LS: But where did Aristophanes get these beggars from?

Student: Euripides.

LS: And Euripides wrote what kind of themes?

Student: Tragedy.

LS: And does tragedy have something to do with compassion or pity? Aristotle says it does. So in other words, objects of pity are the natural transition from the objects of ridicule. Then he goes over to the subject [of] damage done by one's property, in the first

place by slaves. Do you see a connection between the preceding subjects, objects of compassion, beggars, and slaves?

Student: Well, there is a certain connection between the slave who damages property and the beggar who kind of gets property through persuasion.

LS: No, but the simple subject slaves without any specialty, is it not related to the preceding subject? What would you do if you would suddenly come into a region where slavery is practiced? What would be your action?

Student: Pity the slaves.

LS: Surely. This simple feeling—which was so beautifully expressed in certain words of Lincoln—of compassion for slaves, that is not a privilege of modern times. I mean this simple feeling of pity for people exposed, perhaps without any guilt or fault of their own but mere ill luck, a lost battle, or whatever it may be, is clear. One has only to read Homer and read what Andromache says about her probable fate when Troy will be captured—she will be a slave woman somewhere in Greece—to see that. We overestimate the callousness of thoughtful men of former times. I can illustrate it by an example which always made an impression on me. A modern romantic writer—in these histories of literature I see he is called a realist—Flaubert, wrote a novel, *Salammbô*, dealing with Carthage at the time after the first Punic War. Hannibal was a young boy of ten or eleven, and the enemies of his father, Hamilcar, tried to hurt Hamilcar where it hurts. Hamilcar had only one son, Hannibal; and so they arranged a big celebration in honor of Baal, the celebration to consist of the sacrifice of the first born son. That meant Hannibal. Hamilcar of course did not give in so easily, and so he went with his bailiff to the slave quarters and looked for a boy who was more or less of Hannibal's age and size, and he picked him. And he was of course burned properly according to the required ritual, but the interesting thing is this. When the slave mother saw that her boy was taken away, and she was sure that it was for no good purpose, she became what they now call hysterical. She cried and so on and so on, and then there is a beautiful sentence which shows the soul of the modern romantic. Hamilcar never had given it a moment's thought that this was a feeling being. No, she was a piece of property. And you can easily see how Flaubert enjoyed this alternative kind of human beings, wholly unimaginable in modern times: Hamilcar, who doesn't even dream of such a possibility. Now that is a modern romantic's version. Naturally, there were masters in the past who didn't know that, but Plato was not such a man, and quite a few others too: all the poets knew that. And so I think there is really a connection here between these two subjects.

We have seen then objects of pity, and that means somehow tragedy, and then we understand immediately the last subject, witnesses and pleading, where explicit reference is made to the art of forensic rhetoric. So what I am suggesting is this: that while Plato was compelled by his enterprise to write a complete legal code and thus had to go into all kinds of things that were terribly boring to him, he couldn't help enlivening them by some more interesting considerations, some of which I believe can be discovered without too great difficulty. So now let us turn to the most important passages within the Book,

unless someone has a question regarding the subject of the order in Book 11. It is a fact that only comedy and forensic rhetoric are mentioned: tragedy is not mentioned. What that means is a long question. Perhaps we get nevertheless some very interesting material about tragedy from this very book, but that we must see.

Now let us first see in 913b5, close to the beginning, [where] he makes a distinction between the virtue of the soul on the one hand, and a right on the other. He says: "as it will increase in virtue of soul and in justice."[ii] Not quite correct, not literal enough, but it is tolerable. Why is justice not virtue of soul? In Farabi's *Plato*, paragraph 30, this same distinction occurs, exactly the same. I believe that [inaudible]. I don't recall any other Platonic passage where such a clear distinction is made between the virtue of the soul and right, or justice. Can you interpret that? Can you understand that? Why is justice not a virtue of the soul?

Student: Perhaps he is alluding to a justice which we would not call the moral justice but a political justice, a distribution of material goods rather than a distribution of parts of the soul.

LS: That goes, I think, in the right direction. One could perhaps state it as follows. The official definition of justice given in the *Republic* is minding one's own business. And this is, first of all, a political definition: doing one's own job properly in a well-ordered society, where the function would necessarily be salutary, a reasonable function. This definition is, however, meant to be universally valid, i.e., not only in the best society but also in other societies, for the individual. And here minding one's own business is a purely private, if one can use that term, quality of the individual. And it has no primary relation to social matters. The fact that justice is *the* social virtue is certainly implied in that.

But now there comes (we cannot read everything, of course) the problem of adulteration and deception. That I think calls for some attention (916d6, page 401). I think we will just begin with the paragraph on that page.

Reader:

> [Ath.:] He that exchanges for money either money or anything else, living or not living, shall give and receive every such article unadulterated, conforming to the law; and touching all knavery of this sort, as in the case of other laws, let us hearken to a prelude. Adulteration should be regarded by every man as coming under the same head as falsehood and fraud—a class of actions concerning which the mob are wont to say, wrongly, that any such action will generally be right if it be done opportunely: but the proper "opportunity," the when and the where, they leave unprescribed and undefined, so that by this saying they often bring loss both to themselves and to others. But it is not fitting for the lawgiver to leave this matter undefined; he must always declare clearly the limitations, great or small, and this shall now be done:—No man, calling the gods to witness, shall commit,

[ii] Presumably Strauss's translation.

> either by word or deed, any falsehood, fraud or adulteration, if he does not mean to be the most hateful to the gods; and such an one is he who without regard of the gods swears oaths falsely, and he also who lies in the presence of his superiors. Now the better are the superiors of the worse, and the older in general of the younger; wherefore also parents are superior to their offspring, men to women and children, rulers to ruled. And it will be proper for all to revere in all these classes of superiors, whether they be in other positions of authority or in offices of State above all; and to enforce this is just the purpose of our present discourse. For everybody who adulterates any market commodity, lies and deceives and, calling Heaven to witness, takes an oath in front of the laws and cautions of the market-stewards, neither regarding men nor revering gods. Certainly it is a good practice to refrain from sullying lightly divine names, and to behave with such purity and holiness as most of us generally exhibit in matters of religion. (917a-b)

LS: Now let us stop here. Now why is this an important question, going beyond the mere stipulation regarding honesty in business? I think no long argument is needed [for] why the legislator must do something about the prevention of simple crooked actions in the market place. The subject has a much broader meaning in Plato.

Student: He finds it subversive.

LS: But that goes without saying, that every crime has the potentiality of becoming a cancer, every kind of crime in the body politic. But what is the broader, I mean the really broad meaning of the subject?

Student: Is it that commercial transactions are essential to the life of the society?

LS: No, no. I mean we must go beyond the commercial. That the commercial is an essentially necessary thing is obvious; there is no interesting problem in that.

Student: Might it not have something to do with the fact that adulteration goes against nature?

LS: No, he uses the broader term when he speaks there at the beginning. Adulteration, and lie, and deception belong to one genus.

Student: They are all untruthful; there is an adulteration of the truth.

LS: And why is it such an important theme?

Student: How are you going to get to the truth?

LS: It is possible to give a very simple answer to this question. You don't even need a sentence. One expression which indicates the gravity of that problem in Plato.

Student: The truth is the good.

LS: Yes, but that doesn't show the problem. Did you never hear of the noble lie? Plato enlarges here the subject of adulteration by saying that adulteration and lie and deception belong to the same genus. And you see the indication, which was quite strange (how does he translate that toward the end of what you read?), that one should not take—it sounds almost like one of the Ten Commandments—the names of the gods in vain.

Student: "sullying lightly divine names."

LS: All right, but "*sullying lightly*," so in other words, sullying non-lightly would be a different story. Now how could one [put it], if one were trying to express it in terms of the Ten Commandments? One should not take God's name in vain on light occasions. That you must admit is quite a problem. No, Plato thought of this problem here. We must never forget that and not make Plato's doctrine simpler than it is.

Now the next subject, related to this of course, is trade. And that is a very long section and also partly very funny. I think we will try to read that, and perhaps omit some other things (918a, page 405, the paragraph).

Reader: [Ath.:] "Following close upon practices of adulteration follow practices of retail trading; concerning which—"

LS: By the way, why does it follow close? Plato does not always spell out every connection.

Student: Retail trading is practically a matter of cheating to begin with.

LS: That it is a matter of adulteration to begin with? What do you mean—if they give you alcoholic beverages or wine, they dilute? It is fairly common there, you mean? Or is it at least possible to be very common?

Student: He seems to mistrust every shopkeeper in the city.

LS: Yes, now let us see since that goes probably too far. Let us see what he has to say about that.

Reader:

> concerning which, as a whole, we shall first offer counsel and argument, and then impose on it a law. The natural purpose for which all retail trading comes into existence in a State is not loss, but precisely the opposite; for how can any man be anything but a benefactor if he renders even and symmetrical the distribution of any kind of goods which before was unsymmetrical and uneven? And this is, we must say, the effect produced by the power of money, and we must declare that the merchant is ordained to this purpose. (918a-b)

LS: Let us stop for one moment. One can say that goes even beyond Aristotle in justifying trade. Why is it natural? Why is it according to nature? It is a very strong statement for such an enemy of trade like Plato, or relatively such. Why is it natural? You stated it here.

Student: [Inaudible]

LS: Can you illustrate this? Because without illustration one doesn't understand practical matters.

Student: Well, if the chicken farmer has too many chickens, he trades them to the shoemaker.

LS: Now you could of course say, however, that this chicken farm is already a human establishment, and there should only be mixed farms in the first place. So take something where no human arrangements enter at all. Can you think of something?

Student: Well, you can't grow fish on land—

LS: Or salt, and so on. So things are unevenly distributed, but men need these unevenly distributed [things] in an even manner—that is to say, roughly speaking. You need salt everywhere, and yet salt is not everywhere available. You need timber everywhere, but not everywhere is timber available. So this natural unevenness, uneven distribution, and the natural equality of human needs for these things makes trade indispensable and rational. Continue.

Reader:

> [Ath.:] And the hireling and the innkeeper and the rest—some more and some less respectable trades,—all have this function, namely, to provide all men with full satisfaction of their needs and with evenness in their properties. Let us see then wherein trade is reputed to be a thing not noble nor even respectable, and what has caused it to be disparaged, in order that we may remedy by law parts of it at least, if not the whole. This is an undertaking, it would seem, of no slight importance, and one that calls for no little courage.

LS: I don't know why he translates courage; "no little virtue." That is already an interpretation which is questionable—that courage should be the particular virtue required here. Continue.

Reader:

> [Clin.:] How do you mean?
> [Ath.:] My dear Clinias, small is the class of men—rare by nature and trained, too, with a superlative training—who, when they fall into divers needs and lusts, are able to stand out firmly for moderation, and who, when they have the power of taking much wealth, are sober, and choose what is of due measure rather than what is large. The disposition of the mass of mankind is exactly the opposite of

> this; when they desire, they desire without limit, and when they can make moderate gains, they prefer to gain insatiably; and it is because of this that all the classes concerned with retail trade, commerce, and inn-keeping are disparaged and subjected to violent abuse. Now if anyone were to do what never will be done (Heaven forbid!)—but I shall make the supposition, ridiculous though it is—namely, compel the best men everywhere for a certain period to keep inns or to peddle or to carry on any such trade,—or even to compel women by some necessity of fate to take part in such a mode of life,—then we should learn how that each of these callings is friendly and desirable; and if all these callings were carried on according to a rule free from corruption, they would be honoured with the honour which one pays to a mother or a nurse. (918b-919a)

LS: All right. So in other words, since Plato was never afraid of making preposterous, absurd, or ridiculous proposals, as he has shown in the *Republic*, why does he not come up with this proposal that the most virtuous members of the community must engage for some part of their lives in retail trade, because that is a particularly corrupting thing? As the report points out, it is stated, but no reason is given why it is dropped. We must figure out the reason. Why is it dropped, although it is such an eminently sensible proposal? And the example which he will give in the sequel shows it beautifully. Why is it dropped?

Student: Perhaps they would not be competent [inaudible].

LS: We are speaking now of trade at home.

Student: [Inaudible]

LS: Well, do you believe that a very great degree of cleverness is required in order to understand the quality of the merchandise, and so on?

Student: Well, not the quality of the merchandise . . . .

LS: So that you don't deceive anyone.

Student: In order to have the proper enterprise one must . . . .

LS: But why should they have? I mean, Plato made it clear, perfectly clear, that no spirit of enterprise is needed. There is this obvious need for a more even distribution, and this must be done honestly. It is a great public function but a dangerous one, because the temptation is so great to try to get more than one should have. Therefore, let us delegate [it to] the most virtuous members of the community, say, people like you. After you get your degree you have to go three years into the, say, second-hand car trade, which I understand is in special need of some improvement, and thus to be honest and say that this car has these and these defects, that it is not worth a thousand dollars but only two hundred, and so on. So you improve the status of that trade immensely.

Student: But you might even abolish the trade.

LS: How?

Student: Well, if all of us honest people were to engage in the second-hand car trade and tell the people honestly what the car was worth, then you would soon go broke. You wouldn't make any profit. There would be no more second-hand car dealers.

LS: I see. But still I don't know, because there are still people who want to get rid of a second-hand car. And if all second-hand car dealers were honest men, they might even get what they get now but the buyers of them would get them much more cheaply. I do not know whether the difficulty lies here.

Student: One of the problems would be that the satisfactions which occur as a result of a day spent in trade do not fully occupy the talents of a very virtuous man.

LS: But take a farmer. This old question discussed—you know, there was a time when there was a taboo on trade but especially on banking, which was at that time called not banking but usury. And then some clever man said: What is the difference between taking interest for money and taking interest from land? You know, that was a major point in this discussion. And so if one looks at the problem without bias, why should the activity of a farmer, especially, say, a very small farmer, be morally superior to such a man fulfilling a public function, bringing salt to the saltless area rich in timber and vice versa? Why should this be? And he takes only that profit which is needed to keep his family, to give sustenance to his family. Why should it be? What I am driving at is this: one must consider the possibility that Plato makes a conscious concession to the gentleman's taste. I don't believe it would suffice here, but it is possible that it is part of the story. You know that we have seen such other concessions on former occasions. You remember, in the case of certain kinds of homicide, where concession was made to the feeling of the demand of revenge? That could be.

Student: I would suggest that the virtuous man should not become a retail trader for the same reason that he should not become a slave. Both the slave function and the retail function are necessary functions of the society, public functions, but they are unworthy.

LS: Yes, but that is a question of a certain [inaudible]. But from the highest point of view that would be a concession, because that is a very external consideration.

Student: What would be a concession?

LS: A concession on the part of Plato to the general social opinion. After all, we mustn't fool ourselves. That a man may have the most unpleasant and unsavory profession (I mean "savory" here from the point of view of our noses) and can be a man of the greatest inner dignity—I hope you have no doubt about that—whereas someone having a position of the highest social dignity can be a man without any inner worth. That is trivial. And Plato knew that, of course. So from the highest point of view, these merely social and

external graces are not decisive. And that, from the highest point of view, would be a concession. Take, for example, this concession which plays a very great role and to which Aristotle alludes. In a way, the most degrading occupations in the older view are those where a personal service of the body to someone else is involved, say, barbering. A blacksmith is a different story; he doesn't serve you but serves your horse, whereas [being] a barber was regarded as degrading and other things of this kind. But why should this really be a point of view valid for a truly superior man? After all, in a deeper sense it doesn't degrade a man to shave another man.

Student: Isn't it possible that this can also discourage the maintenance of the virtue of the men who went into that in the first place?

LS: That is exactly the point he makes. He admits that it is a particularly dangerous job, morally. Therefore, let us ask the most morally protected men, the most virtuous men, to go into that.

Student: But doesn't he have a rule in one of the earlier Books that citizens were to keep away from this entirely, and the alternative was to have people who were not so important to the state . . . .

LS: All right, but we ascend a bit in the argument. We took something for granted in the earlier argument. Taking the situation as it is now, where the lovers of gain turn into that,[3] then of course it becomes degrading. But we can question that, assuming a very great power of the legislator—and Plato assumes that all the time, especially in the *Republic* and to some extent even here, and he makes explicitly this proposal: how wonderful these services of trade are would become visible if the most virtuous men in the community were delegated to perform these functions.

Student: But virtuous men are needed to perform other functions.

LS: That is an important consideration. And also another important consideration, which played a very great role in ancient times and even up to the First World War, if I am not mistaken, at least in some countries, was the relation of the profession to military service. For example, Xenophon's argument in favor of agriculture, farming, as *the* gentleman's profession was that the farming activity is most conducive to becoming good soldiers, a view which prevailed until the First World War, and the latter part where the technological character of war came to the fore. And then the industrial workers proved to be superior (at least they found this to be true in Germany) to the farmers. Up to a certain point, it was simply so that generally speaking the farmers were the best material for military service because of that life in the open air and exposure to all the toughness of the life, as compared with that of the artisan or the trader in the city.

Student: But to pursue the point even further: Is it valid to say that somehow the farming activity is a better and nobler activity than the retail trading activity, even granting that it was honest?

LS: The reasoning which Aristotle indicates in the First Book of the *Politics* is this: that the farmer earns his livelihood entirely from nature, and everyone who lives on other human beings is always confronted with the possibility of cheating. You cannot cheat the earth, the soil, but you can cheat human beings. That was surely one point of view. But one has to go into that, and especially one must be grateful to come across such a passage in Plato where one sees a man trying to go beyond the merely accepted opinion to see whether that is really necessarily so. It is a remarkable passage.

Student: I was thinking, in connection with the remark about cheating, that perhaps part of it is due to the fact that there is no manifest or clear natural standard to indicate what the right exchange would be. I was thinking of the passage in Aristotle where he sort of makes it clear that these things are not in themselves commensurable, which are traded.

LS: Yes, but they are made commensurable by money. And Aristotle gives the formula for the fair price: time, and then the value of the material.

Student: But it is also the effort and the pain undergone in the production. And there is also the element of need.

LS: But still, that did not prevent people for a very long time, up to Archbishop Laud in England[iii] inclusively, and in some countries in even more recent times, to establish maximal prices, minimal prices, this kind of thing. That someone really exploits a scarcity situation, that is a defensible proposition. You can't expect a great exactness to the penny in these matters.

Student: Wasn't he unjust to make money on a monopoly of the wine presses?[iv]

LS: Yes, but he did it only in order to teach a more fundamental lesson—that a philosopher could do that if he wanted.

Student: Make money or be unjust?

LS: Yes, but perhaps this one injustice, if it was an injustice, was redeemed by the very great lesson it conveyed.

Student: But isn't the very fact that retail trade has always more or less lent itself to encouraging something like cheating, and that the goods themselves are not by nature commensurable?

[iii] William Laud (b. 1573), Archbishop of Canterbury from 1633 to 1645.

[iv] In *Politics* 1259a Aristotle tells of Thales, who responded to taunts concerning the uselessness of philosophy by using his knowledge of atronomy to predict crop yields and thereby to establish a monopoly on the oil and wine presses.

LS: But I think we must admire, nevertheless, Plato's attempt to transcend the common views in order then to discover, perhaps, valid reasons. But let us continue, because I think the example he gives is very helpful to understanding it.

Reader:

> [Ath.:] But as things are now, whenever a man has planted his house, with a view to retail trade, in a desert place and with all the roads from it lengthy, if in this welcome lodging he receives travellers in distress, providing tranquillity and calm to those buffeted by fierce storms or restful coolness after torrid heat,—the next thing is that, instead of treating them as comrades and providing friendly gifts as well as entertainment, he holds them to ransom, as if they were captive foemen in his hands, demanding very high sums of unjust and unclean ransom-money; it is criminal practices such as this, in the case of all these trades, that afford grounds of complaint against this way of succoring distress. (919a-b)

LS: Is this not a beautiful description of the situation, to compare this benefactor of mankind who established an inn to help tired travelers, you know? And then you find out it has nothing whatever to do with such motivations but only with the exploiting of the necessities of fellow humans.

Student: I just wonder if Plato's point is really not a rather simple one, whether we have not really gone a little beyond him when we start talking about the concession he might have made to the gentlemanly occupation. The point seems to be simply that the retail trade, or any other sort of commerce, is morally neutral in itself, and it depends upon the people filling these roles whether or not it becomes . . . .

LS: Yes, but would this not apply to every other occupation as well?

Student: The fact is that people attribute to this trade something which is morally bad in itself. Plato is, I think, trying to say this is not the case. It depends upon the fact that the mass of humanity have desires and they have found this is a good way to vent these desires and get gains for themselves. That the desert motel, or whatever it is here, has high prices is probably a good example of this. It could just as easily by the other way, as you said.

LS: But, on the other hand, of course one could say that he charges somewhat higher prices is defensible because of the difficulty of transport and all this kind of thing. That they go beyond that is probably true in all cases. But there is a disagreement?

Student: I was thinking of some intrinsic difference between trade and farming. For the farmer addition[al] exertion means only that he can grow additional things. And if he had certain basic desires and wanted to become more comfortable, he could only try to increase the yield on his ground. While the trader has always the possibility of gypping someone else and achieving the same benefit the farmer achieves if he increases his yield and thus benefits the community by additional production.

LS: And also the inflicting of injustice, which is of course possible on a farm too. But there is a great mitigation because at least the free members of that household are his kin, and therefore a mitigating element enters, whereas the retail trader is of course let loose on people who are not his kin. Sure. But it is very good to give these things some thought. Let us finish this passage where we left off.

Reader:

> [Ath.:] For these evils, then, the lawgiver must in each case provide a medicine. It is an old and true saying that it is hard to fight against the attack of two foes from opposite quarters, as in the case of diseases and many other things; and indeed our present fight in this matter is against two foes, poverty and plenty, of which the one corrupts the soul of men with luxury, while the other by means of pain plunges it into shamelessness. What remedy, then, is to be found for this disease in a State gifted with understanding? The first is to employ the trading class as little as possible; the second, to assign to that class those men whose corruption would prove no great loss to the State; the third, to find a means whereby the dispositions of those engaged in these callings may not quite so easily become infected by shamelessness and meanness of soul. (919b-c)

LS: We don't need the rest. This is the argument which leads up to the law which excludes citizens from any participation in retail trading.

Now the next point to which I would like to draw your attention is in 920d7, page 413, at the bottom of the page.

Reader:

> [Ath.:] Sacred to Hephaestus and Athena is the class of craftsmen who have furnished our life with the arts, and to Ares and Athena belong those who safeguard the products of these craftsmen by other defensive arts; rightly is this class also sacred to these deities. These all continually serve both the country and the people: the one class are leaders in the contests of war, the others produce for pay instruments and works; and it would be unseemly for these men to lie concerning their crafts, because of their reverence for their divine ancestors. (920d-e)

LS: You see, this sentence with which we began is probably translated correctly, but the "who" of the relative clause could also refer to the two gods, Hephaestus and Athena, "who have our life supplied with the arts." Now the interesting thing, I think, is the ambiguity. Who supplied our lives with the arts, the human artificer or these two gods? This is a great question going through the Platonic dialogues; we find many traces of it. In the myth of the *Protagoras* as well as the myth of the *Statesman* reference is made to the divine origin of the arts. Here this statement is, to say the least, ambiguous, and even more likely to be understood the way it is understood by the translator. The whole question of the origin of mankind is involved here, you know: a perfect beginning with gods at the beginning supplying man with the arts, or an imperfect beginning where man gradually and slowly developed the arts. That is what is involved. Now if we read the

immediate sequel we see that the ascription to the gods of the arts is a problem on the practical level.

Reader: [Ath.:] "If any craftsman fail to execute his work within the time named, owing to basesness—he not revering the god who gives him his livelihood, but deeming him (in his blindness of mind) to be merciful because of his kinship—" (921a)

LS: You see, in other words, that can be turned around. If we understand the gods properly, we will revere the gods, be ashamed before them, and then act virtuously. But on the other hand, we can also emphasize the family relation as it were and say: Very well, the gods fight with us artisans anyway; they are our kin—and then take them as protectors of[4] [our] own iniquities. In the immediate sequel or a bit further on there is a remarkable praise of art [as] an open, sincere and truthful thing by nature—art as distinguished from trade.

Student: [Inaudible] would this be an argument against the position that Plato held a personal god, at least in the Christian sense?

LS: No, what he has in mind here is only this. The divine origin of the arts can be interpreted in two opposite ways: in a moral and in an immoral way. The moral way, the obligation to the gods; and the immoral way, the gods are on your side: you are the friend of the gods, as it were, and they will stick to you regardless of what you do. That is the point. So the mere belief in the divine origin is of no use. The crucial point is the morality of the believer[5] and not the belief itself. That I think is implied. And that is of course also relevant on the basis of the biblical tradition. This misuse of religion is always possible. Now this praise of art is, I think, quite important and a theme of all Platonic dialogues, we can say.

Then somewhat later (921e6, or at the end of 921, as a matter of fact) he translates "a law which counsels rather than compels." This distinction is made also elsewhere in this book and is a fundamental distinction. A counseling law and a compelling law. What we understand today is of course only a compelling law, a law with sanctions by punishment. But in the Platonic view, and that is not merely the Platonic view, there are also laws where no compulsion is involved, only praise and blame of the legislature, but they are also laws. For example, if something is declared to be undignified, that is not a law in the modern sense but from Plato's point of view it is a law. Here what I want to emphasize is only the explicit terminological distinction between a counseling law and a compulsory law.

Student: Don't we have something of that left in [U. S.] Senate [and] House Resolutions and some laws which are passed with remarkable little penalty, say, the latest civil rights law?[v] It has little compelling worth, but as counsel . . . .

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[v] The student is probably referring to the Civil Rights Act of 1957.

LS: To what extent is what you say correct? There are some people here who have taken courses in constitutional law. What do they say about that subject?

Student: Well, you might say it is aimed at compelling and simply a defective measure to compel, because of certain circumstances as the result of its creation.

LS: I see. In other words, what is vulgarly known as a law without teeth.

Student: This would be one way of looking at it.

LS: But that is a defect, then. I have been told that in the Tsarist code, maybe not under the last Tsar but earlier, there was a law to the effect that men should not get drunk, and there were no penalties involved, no sanctions. And that is of course a mere counsel. This kind of thing is ridiculous from the point of view of modern legislation, but it was not regarded this way in olden times. Plato in this respect simply voices the earlier view. When you read the Old Testament laws, for example, there are quite a few cases in which no sanction is involved, which have a merely hortatory character. And yet they were not regarded as not fit to be part of a code.

Student: I wonder whether we couldn't make the distinction in terms that we now make it, in terms of law which has sanction and custom. A custom is the kind of thing which counsels you to perform in a certain way in a society, and there is no penalty necessarily for failure to comply.

LS: No formal penalty, but there is of course also disapproval.

Student: Yes, there may be disapproval.

LS: Yes, sure. One can only say this: in this older notion of laws, the distinction between custom and law was not so simply and clearly drawn as it is today, and that is a long story which leads to very interesting problems of jurisprudence. Why? You have to raise the question of principle. Where is the line to be drawn? I mean not only in this or that case but as a matter of principle. And this eventually found its philosophic expression in the distinction between law and morality as a distinction. The beginning of this was made in the Enlightenment, and in German classical philosophy very much is made of that. Then in the nineteenth century it became [a] common[place] throughout the western world that law has in itself nothing to do with morality. This leads to other grave difficulties, because there are always limit cases where morality enters the law, for example, the famous example of contracts—contracts against good custom—where morality and custom somehow come in in the course of judgment by the judges. It is no longer a simply legal concept. And other things of the same kind. We have now reached the end of the first section, and we begin now with the section on orphans, and I think we should also read that (page 419).

Reader:

> [Ath.:] We have now made regulations for most of the more important business dealings between man and man, excepting those regarding orphans and the care of orphans by their guardians; so, after those now dealt with, these matters must necessarily receive some kind of regulation. All these have their starting-points either in the desire of those at the point of death to devise their property, or in the accidental cases of those who die without making a testament; and it was in view of the complex and difficult nature of these cases, Clinias, that I made use of the word "necessarily." And it is, indeed, impossible to leave them without regulation; for individuals might set down many wishes both at variance with one another and contrary to the laws as well as to the dispositions of the living, and also to their own former dispositions in the days before they proposed making a will, if any will that a man makes were to be granted absolute and unconditional validity, no matter what his state of mind at the end of his life. For most of us are more or less in a dull and enfeebled state of mind, when we imagine that we are near the point of death[vi]. (922a)

LS: Now, this is very interesting. Probably we would have no difficulty in understanding that, but Clinias has a difficulty here, as we see from the sequel. How do you explain it?

Student: Isn't it unusual that he is addressing himself to Clinias gratuitously?

LS: No, probably he foresaw that, that Clinias is in need of being told that.

Student: Well, why should he foresee it?

LS: Because he is a very intelligent man. This is universally true of all Platonic dialogues: that the chief speaker, Socrates mostly, but here the Athenian Stranger, cannot be understood if he is not seen to be by far superior to the other individuals in such a way that he knows well in advance how the other fellow is going to act. We have seen such cases, when he says casually in this dialogue, "By some accident we have come to this point," when it is clear—[vii] —see a tall woman in white, and very beautiful, appearing and telling him that on the third day you will be in (how do they translate it?) the fertile sphere. That is the verse from the *Iliad* and addressed by Thetis, I think, to Achilles. Now Phthia is somehow in the general direction from Athens. As Thessaly, the country to which Socrates was supposed to go, and then Crito is amazed by this foresight, this prophetic dream of Socrates—that he had seen in his dream that on the third day from now he will be . . . .

Student: Perhaps it comes from Achilles, I believe, saying that if I run away . . . .

LS: Then Socrates improved it in a way that his mother told, I guess. You see here that is of course an ironization of Socrates's foresight, an exaggeration of it. But that is the

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[vi] In the Loeb: "we are nearly at the point of death."
[vii] There was a break in the tape at this point.

notion which Plato had of Socrates and also of the Athenian Stranger: that he sees through the people to whom he talks. It could be, although I would have to study that much more carefully in order to decide that, that this "Oh Clinias," [relates to] this limitation on making wills or testaments. And then it proved to be correct by the reaction.

Student: Couldn't you say that insofar as this is contrary to accepted practice and Clinias seems to be so concerned with accepted practice, that you anticipate this even before he begins?

LS: Yes. You see, you have to consider two things, surely. Incidentally, in this first question, where he says, "How do you mean this, Stranger?"—now in my experience the Athenian Stranger is called Stranger in all cases where he appears strange to them, to Clinias or to Megillus. That is true. One thing is that the Athenian makes outlandish proposals, proposals with which they are not accustomed. But the other things which you must also not forget is that these are old men; therefore, they are not simply Cretans or Spartans, but *old* Cretans and *old* Spartans. Sometimes these are not the qualities of Cretans or Spartans but the qualities of old men which induce them to react in the way that they react. And it is perfectly possible that the question of the last hold on power an old man has to punish the disobedient children—how does Locke put it?

Student: He has no small call upon the child's affections.[viii]

LS: Yes. If he can give you more or less. And to be deprived of that is very much disliked. Now let us go on.

Reader:

> [Clin.]: How do you mean that, Stranger?[ix]
> [Ath.]: A man at the point of death, Clinias—

LS: You see, he says again "Clinias." He emphasizes that. And that is also another point: Don't forget your mortality. A broader point: that is a danger in which we all are. And the Athenian Stranger never forgets that for a moment. That is the difference. Never! Continue.

Reader:

> [Ath.:] Clinias, is a difficult subject, and overflowing with speech that is most alarming and vexatious to a lawgiver.
> [Clin.]: How so?
> [Ath.]: Since he claims to be lord of all he has, he is wont to speak angrily.
> [Clin.]: What will he say?
> [Ath.]: "Good heavens!" he cries, "what a monstrous shame it is, if I am now allowed at all to give, or not give, my own things to whomsoever I will—and more to one, less to another, according as they have proved themselves good to

[viii] John Locke, *Second Treatise of Government*, sections 72-73.
[ix] In the Loeb: "What do you mean by this, Stranger?"

> me or bad, when fully tested in times of sickness, or else in old age and in other happenings of every kind."
> [Clin.]: And do you not think, Stranger, that what they say is right?
> [Ath.]: What I think, Clinias, is this—that the old lawgivers were cowardly, and gave laws with a short view and a slight consideration of human affairs.

LS: You see, again he addresses him personally by using his name. Continue.

Reader:

> [Ath.:] It was through fear, my dear sir, of that angry speech that they made the law allowing a man unconditionally to dispose by will of his goods exactly how he pleases. But you and I will make a more suitable answer to those in your State who are at the point of death. (922c-923a)

LS: And so on. And then he tries to show the necessity of putting some limitation on the freedom of testation. But there is another point which is important to consider. What is the state of mind of the dying man, the dying father of a family he has described here?

Student: Revenge on his descendants.

LS: Anger. Let us not forget the Platonic tripartition of the soul. Well, reason, that is a class by itself, but what are the other two?

Student: Spirit and desire.

LS: And what does anger belong to? Spirit. Surely not desire; it is too late for that. But that is an important point. Since this problem of spiritedness is terribly important, every little remark which Plato makes must be considered. In other words, here we learn this simple thing: that when it is much too late to desire, men are still[6] [able] to be angry and still to be spirited.

Student: Couldn't they also be full of love for their kinfolk?

LS: That could be. If they are of the proper temperament, they might be.

Student: It is interesting that we also have the case where people leave all their money to cats and dogs, and I guess this would be a love for the animal in opposition to the people who may have mistreated them.

LS: That is what some people say, that this extreme love for animals is usually the counterpart of a deficient love for humans. But there are other points.

Student: Since anger is directed towards suppression of desire, another's or one's own, one could say that when desire is at its minimum then the spiritedness or anger could reach its fulfillment. It might give a certain connection between asceticism and severe morality.

LS: I would not want to draw any further conclusion, but I think this simple remark is not unimportant, and how this remark would fit into other remarks about the same subject in this very book is an interesting question. I did not say entirely without reason that there is an explicit reference to comedy and an explicit reference to rhetoric but no explicit reference to tragedy, and I just wonder whether these things in a deeper stratum do not fit.

Student: Since we are flying around here—

LS: We do nothing more than that.

Student: The reason why he is angry, you might say, is because he is not angry in general, but rather he is angry at the fact that here he is with his last chance to be and do, and this bum on the outside is trying to cheat him.

LS: That would also be the answer to Mr. ____, I take it. If you take such a simple man, he has really nothing to look forward to. The only way in which he can show his power is by denying it.

Student: Or granting it; that is, granting or denying it in the fashion he chooses. This is the last chance he has to be—

LS: I just wonder. Is not the connection this: death, the end, no hope for further desires, the fearful character of death. Man opposes himself to the thought of dying. What remains there except to turn this aversion, if he doesn't want to take death lying down, to vent it in revengeful action? Something of this kind. But that needs of course a much closer analysis.

Student: Is this also a reflection on the laws of the dead and not only of the dying, because there seems to be some disparagement of the old lawgivers?

LS: Yes, in the same connection.

Student: That somehow the [inaudible] wisdom should take care of the living.

LS: Now let me see. Surely one has to consider that there must be a linkup of some kind. That seems to be a characteristic of all ancient legislators, that they have been too kind, too indulgent to dying old men. That is true. That is an important point, it must be kept in mind. How this all must be linked up eventually is completely hazy, and one must wait patiently until such time as one gets the link. But you must not forget that according to a very respectable doctrine developed beautifully by Fustel de Coulanges in the *Ancient City*,[x] the origin of Greek religion is really ancestor worship. Now that means the dying

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[x] Numa Denis Fustel de Coulanges (b. 1830), French historian and author of *The Ancient City: A Study on the Religion, Laws, and Institutions of Greece and Rome* (1873).

or the dead, the ancestors—grandparents and so on—must be appeased by the living. They have been deprived of the good things available to the living, and yet they have a very great power over the living. This is very clearly developed by Coulanges at the beginning of his book. Now here you have these people, you know, where *thymos*, anger, of some sort is the primary appeaser. I mean, they can become also the loving protectors, but they have to become appeased to become that.

Student: What I had in mind was a very difficult passage in Farabi's commentary, where he says that the faith or support of the living for the law is the highest virtue, and [inaudible] the living against the dead.

LS: We get some more passages about the subject a bit later. We can't take care of that now. Let us see first in 925d5, page 431, top.

Reader:

> [Ath.]: Now we must not fail to notice how burdensome such a law may prove, in that sometimes it harshly orders the next of kin to the deceased to marry his kinswoman, and that it appears to overlook the thousands of impediments which in human life prevent men from being willing to obey such orders and cause them to prefer any other alternative, however painful, in cases where either of the parties ordered to marry is suffering from diseases or defects of mind or body.

LS: In other words, the situation is this: the estate must be kept together. And then there is a very repulsive heiress there, but someone is defined by law to marry her, you know, and he might very well prefer to be a beggar in a foreign country than to be the husband of this creature. Sure. Now what does Plato in his wisdom say to these difficult questions?

Reader:

> [Ath.:] Some might suppose that the lawgiver is paying no heed to these considerations, but they would be wrong. On behalf, therefore, of the lawgiver as well as of him to whom the law applies let a kind of general prelude be uttered, requesting those to whom the order is given to pardon the lawgiver because it is impossible for him, in his care for the public interests, to control also the private misfortunes which befall individuals, and requesting pardon also for the subjects of the law, inasmuch as they are naturally unable at times to carry out ordinances of the lawgiver laid down by him in ignorance.
> [Clin.:] As regards this, Stranger, what would be the most rational course of action to adopt?
> [Ath.:] It is necessary, Clinias, that for laws of this kind, and those whom they affect, arbitrators should be chosen.
> [Clin.:] How do you mean?
> [Ath.:] It might happen that a nephew, who has a rich father, would be loth to take to wife his uncle's daughter, giving himself airs and being minded to make a grander match. Or again, when what the lawgiver enjoins would be a fearful calamity, a man might be compelled to disobey the law—for instance, when the

> law would force him to enter into an alliance with madness or some other dire affliction of body or soul, such as makes life intolerable to the person so obliged[xi]. (925d-926b)

LS: That is a remarkably clear statement about the essential defects of laws, and the solution is that living arbiters who know the situation must then prevent hardships: the principle of equity. Now let us see a bit later (926e9, page 435).

Reader:

> [Ath.:] In the first place, to act in the room of their begetters, as parents of no inferior kind, we must legally appoint the Law-wardens; and we charge three of these, year by year, to care for the orphans as their own, having already given both to these men and to the guardians a suitable prelude of directions concerning the nurture of orphans. Opportune, indeed, as I think, was the account we previously gave of how the souls of the dead have a certain power of caring for human affairs after death. The tales which contain this doctrine are true, though long; and while it is right to believe the other traditions about such matters, which are so numerous and exceeding old, we must also believe those who lay it down by law that these are facts, unless it is plain that they are utter fools. So if this is—

LS: May I mention the fact that nowhere does the word *mythos*, myth, occur here in the original. Continue.

Reader:

> So if this is really the state of the case, the guardians shall fear, first, the gods above who pay regard to the solitude of orphans; and secondly, the souls of the dead, whose natural instinct it is to care especially for their own offspring, and to be kindly disposed to those who respect them and hostile to those who disrespect them; and, thirdly, they shall fear the souls of the living who are old and who are held in most high esteem; since where the State flourishes under good laws, their children's children revere the aged with affection and live in happiness. These old people are keen of eye and keen of ear to mark such matters, and while they are gracious towards those who deal justly therein, they are very wroth with those who despitefully entreat orphans and waifs, regarding these as a trust most solemn and sacred. To all these authorities the guardian and official—if he has a spark of sense—must pay attention; he must show as much care regarding the nurture and training of the orphans as if he were contributing to his own support and that of his own children, and he must do them good in every way to the utmost of his power. He, then, that obeys the tale prefixed to the law and in no wise misuses the orphan will have no direct experience of the anger of the lawgiver against such offences—

LS: You see, the *anger* of the lawgiver, which is mentioned here in another context. Continue.

[xi] In the Loeb: "the person so allied."

Reader:

> but the disobedient and he that wrongs any who has lost father or mother shall in every case pay a penalty double of that due from the man who offends against a child with both parents living. (926e-927d)

LS: Now why is here this emphatic recourse made to these stories or tales? Why is it needed? What does the lawgiver command, and why is this command in need of such a reinforcement? That would be the question. What does he command?

Student: [Inaudible]

LS: Yes, but what does the lawgiver demand of the guardians or the law wardens, the people in charge of the orphans?

Student: [Inaudible]

LS: Like his own children. In the case of his own children there is a natural love. Here these are not his children, and he should love them as if they were his own children. And how does this work out? Let us see in the sequel. We don't have to read everything, so let us begin with the last word on page 437.

Reader: [Ath.:] "Consequently, in its regulations concerning orphans the law has emphasized this very point both by admonition and by threat. A threat, moreover, of the following kind will be extremely opportune—" (927e-928a)

LS: And so on. So there is admonition and threat, but the threat is more emphasized here. He also had spoken of the anger of the legislator. The reason is this. In proportion as the law makes a demand not in accordance with nature, the compulsory element—either by human compulsion or the threat by divine powers—is required. There is no need for threatening the natural parents as to taking care of their children,[7] [except] in perverted cases. But in this case it is essentially necessary because that natural pity is not so common or so reliable as the natural love for children.

Student: Is the anger of the lawgiver parallel to that of the dying man, who is also angry and . . . .

LS: Not identical, but there is a kinship between[8] [them]. The lawgiver voices what the dead parents would say. The dead parents of the orphaned child would make this threat to everyone [against] hurting their children. But these wills of the dead parents become effective only through the voice of the legislator. There it is not identical but akin. Of course his consideration is simply this: that the orphans are as much future citizens as the non-orphan children, and if they are ruined or deeply hurt in their childhood this is by no means for the good of the society as a whole. But they are particularly exposed to the viciousness of other men because they do not have this natural protection afforded by natural parents.

Student: The anger of the lawgiver is in some sense in relation in that he is more angry the more unnatural his demand is.

LS: Generally speaking.

Student: I was just wondering. The Athenian Stranger here seems to have an accent on the necessity of love in the life of a child, a sense of being loved. He exhorts the guardians to love them as their own children. It seems to be a consideration on the basis that they need this love to somehow grow up and be good citizens.

LS: Yes, but in an entirely unsentimental way. But otherwise clear.

Student: But how does this compare with the *Republic*, where children are not to have fathers and mothers? Do the prescriptions in the *Republic* concerning the rearing of children somehow go against this?

LS: There is no question. But we have read this in 739, the deviation from the sacred life. The establishment of private property and of the family is *the* difference between the *Laws* and the *Republic*. Now as for the *Republic,* I can only say this. I believe there is plenty of evidence from the *Republic*, especially if one reads it thinkingly, to see that Plato regarded this as utterly impossible, utterly impossible to have this communism. I explained this more than once, that he did this in order to bring out—

Student: Certainly, but I'm saying that it is not only utterly impossible but also utterly undesirable.

LS: Sure. Both. For Plato that is not so greatly different. What is utterly impossible is, as such, for a reasonable man undesirable.

Student: I mean that even for the philosopher in his divine madness it would be utterly . . . .

LS: Sure, sure, I know that. But there is of course this great problem because this affection that parents ordinarily have for their children, going together in frequent cases with great stupidity, can do a lot of harm. But still, in the early years at any rate the affection is more important, one could say, because not so terribly great an intelligence is needed, at least according to the old-fashioned view, for treating a baby up to three or four[9] [as] when they are ten or fifteen.

Student: But don't you think that Plato really considered that the state as conceived in the *Republic* is desirable even though it is impossible, and even ultimately desirable?

LS: There is a verse in a modern poem, or drama, called *Faust* by Goethe, where Faust says: "Him I love who desires the impossible."[xii] That is absolutely impossible for Plato or Aristotle, that a sensible man could desire the impossible. That is out of the question.[10] [There] is a kind of dream in which you could indulge for some time before you could have fully realized the impossibility, but when it is impossible, [you] give it up and replace it by a sensible one. As for the *Republic*, that would lead us much too far. We would have to go through a chain of reasoning which I could not reproduce in five minutes by which one could show that is impossible. I ask you only to think of this simple thing. Consider the argument at the end of the Seventh Book, where the original condition—if the philosophers become kings or the kings become philosophers—is radically modified, namely, not only must the philosophers become kings but they must also expel the whole citizen body older than ten from the city if the good city is to come. And think just on the basis of what you know of human nature and human affairs to see whether that is not tantamount to admitting the impossibility.

Student: I admit this is tantamount to admitting [inaudible], but I had always had the impression that Plato takes this quite seriously, in a way.

LS: In a way, yes, because a theoretical and hypothetical discussion is for a theoretical man something very serious. By thinking this possibility through, of the communism and all the arrangements, and by realizing why they are impossible, one understands the polis. It is an attempt to deny the polis in the guise of an attempt to improve it. It is *really* a destruction of the polis. But we cannot summarize the *Republic* in a few words; that is impossible.

But to come back to the subject at hand. That is clear that in proportion as the demand is not supported by nature or [is] even against nature; it requires much sharper punishment, harsher measures. Let us look at 929a6.

Reader:

> [Ath.:] Such cases should be dealt with according to a law such as this:—If any man is urged by a most unhappy impulse of anger to desire, rightly or wrongly, to expel from his own kindred one whom he has begotten and reared, he shall not be permitted to do this informally and immediately, but he shall, first of all, assemble his own kinsfolk as far as cousins and likewise his son's kinfolk— (929a-b)

LS: We don't need these details. Now this is a case of the bad son, the black sheep (I do not know how this is translated in the English translation) in Deuteronomy.[xiii] What is this son? A drinker, a spendthrift—in other words, a bad boy. And that is a very remarkable passage in the Old Testament. Father and mother bring him before the elders and finally he will be stoned. That is the case which is under discussion here. But also the characteristic mood in the parents, passion in the parents—especially in the father—is

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[xii] *Faust*, Part II, Act II, l. 7488. ("Den Lieb ich, der unmögliches begehert.")
[xiii] Deuteronomy 21:18-21, on the treatment of the "stubborn and rebellious son."

thymos, spiritedness and anger. And then also a bit later, 929c5 to 6, where this point is just sketched in. On page 443, what he puts in brackets in the middle of the page.

Reader: [Ath.:] "no law shall prevent him from doing so, (for the characters of the young naturally undergo many changes during their life)" (929c)

LS: In other words, this boy is not necessarily lost if he is such an undesirable fellow at nineteen or twenty. Therefore, the possibility of adoption of this son by another father, by another old citizen in the community, is left open.

Student: Isn't he also tactfully trying to arrange that it might be the father's fault that the son is being exiled?

LS: Therefore the provision that the father cannot unilaterally do it, or the parents, but that it has to be checked by the community as a whole, and in the first place by the whole family, by the large family, and then by the community.

Now there is a very beautiful passage later on in 930 (towards the end) till 932 (beginning), but that is too long to read, about the aged parents and grandparents. That is a very impressive passage. They are the true statutes of the gods in the house on whom the well-being depends. Again the case of helpless people who need special protection by divine sanction.

This discussion of family relations comes to an end in 932d, and then he suddenly turns to the subject of witchcraft. The connection I believe is this. We have here been concerned with religious emotions and with religious institutions, and the grossest case of misuse of such notions comes then first. There are only two more passages which I think we should read. One is at the end of 933, and it concerns the doctrine of punishment again, which is here stated in a simple and quasi-final form. That is on page 457.

Reader:

> [Ath.:] In all cases where one man causes damage to another by acts of robbery or violence, if the damage be great, he shall pay a large sum as compensation to the damaged party, and a small sum if the damage be small; and as a general rule, every man shall in every case pay a sum equal to the damage done, until the loss is made good; and, in addition to this, every man shall pay the penalty which is attached to his crime by way of corrective. The penalty shall be lighter in the case of one who has done wrong by another's folly—the wrongdoer being over-persuaded because of his youth or for some such reason; and it shall be heavier when the man has done wrong owing to his own folly, because of his incontinence in respect of pleasures and pains and the overpowering influence of craven fears or of incurable desires, envies and rages. And he shall pay the penalty, not because of the wrongdoing,—for what is done can never be undone,—but in order that for the future both he himself and those who behold his punishment may either utterly loathe his sin or at least renounce to a great extent such lamentable conduct. (933e-934b)

LS: Now that is a very simplified version of the Platonic doctrine of punishment, and at this point it is of course very commonsensical. But also it does not make clear the fundamental problem.

There is one more passage in the next paragraph which we should read. That is concerned again with the problem of *thymos*, spiritedness or anger, however you want to translate it.

Reader: [Ath.:] "If any be a madman, he shall not appear openly in the city; the relatives of such persons shall keep them indoors, employing whatever means they know of, or else they shall pay a penalty; a person belonging to the highest property-class—" (934c-d)

LS: That we can omit. Begin later in the paragraph.

Reader: "There are many and various forms of madness: in the cases now mentioned it is caused by disease, but cases also occur where it is due to the natural growth and fostering of his evil temper[xiv]—"

LS: What he translated "evil temper" is in Greek *thymos*, the spiritedness. By virtue of the evil nature of the spiritedness. Continue.

Reader:

> by which men in the course of a trifling quarrel abuse one another slanderously with loud cries—a thing which is unseemly and totally out of place in a well-regulated State. Concerning abuse there shall be this one law to cover all cases:—No one shall abuse anyone. If one is disputing with another in argument, he shall either speak or listen, and he shall wholly refrain from abusing either the disputant or the bystanders. For from those light things, words, there spring in deed things most heavy to bear, even hatreds and feuds, when men begin cursing one another and foully abusing one another in the manner of fish-wives; and the man who utters such words is gratifying a thing most ungracious and sating his passion with foul foods, and by thus brutalizing afresh that part of his soul which once was humanized by education, he makes a wild beast of himself through his rancorous life, and wins only gall for gratitude from his passion. (934d-935a)

LS: Let us stop here. Now that is a remarkable passage. Here *thymos* is called *pragma acharistona*: an ungraceful thing, a thing lacking grace. And if you think of the importance attached to it in the *Republic* and the high praise bestowed upon it, that is quite remarkable. Well, I remind you of the simple point. In the *Republic* you have a tripartition of the soul: reason, then spiritedness, and then desire. And contrary to simple everyday experiences, spiritedness as such is assigned a higher status than the desires. This does not really make sense if you think, for example, that someone has a desire, a low, base desire for something forbidden, mean, but if he does not get it and gets angry

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[xiv] In the Loeb: "an evil temper"

about it, that is in no way nobler of course than the desire. It might even be baser. So there is a great difficulty here as to why such a high status is given to spiritedness. Now the word for desire, in Greek *epithymia*, designates a variety of phenomena of which the most interesting, from Plato's point of view at any rate, is eros. Now we see in the *Republic* that eros is treated very badly. For example, when the tyrant is described, a man who is injustice incarnate, he is also presented as eros incarnate. The exaggerated praise of spiritedness is accompanied by a demotion of eros. That is one of the greatest difficulties, and characteristic at any rate of the *Republic*. Now here this remark about *thymos* is very important. *Thymos* is described as something remote from the graces. It cannot be appeased. It is uncontrollably savage. On the other hand, there is a connection between eros and the graces. That this bad side of *thymos*, of spiritedness, is so explicitly stated in the *Laws* is connected, I think, with the relaxation of the extreme demands made in the *Republic*. That has something to do with the subject we touched upon before. In proportion as one makes demands on man not in agreement with man's nature, harshness and therefore also spiritedness, anger, are required. In proportion as these demands are made more in agreement with human nature as they are made in the *Laws*, the need for this *thymos* or this spiritedness, decreases and therefore its true nature can be brought out more clearly. That I believe is the connection.

Student: Could it be partly the fact that Plato had grown old? The spiritedness, the high-heartedness may have characterized his younger days, but in the crabbed period of old age . . . .

LS: But the trouble is this. While one doesn't know very much about it but takes the present-day accepted hypotheses as fact, Plato wrote the *Republic* and the *Banquet* in his middle age. Now the *Republic* is *the* praise of spiritedness and the demotion of eros, and the *Banquet* is *the* praise of eros, so there is no basis for that. In addition, I would say this. That Plato wrote this when he was older, this we know certainly because Aristotle said the *Laws* were written after the *Republic*. And there are even some traditions which say Plato wrote this in his last years, and surely Plato too was an old man the same as he was a young man. But before we are able to judge how age affected Plato and to what extent this is noticeable, one would have to understand him much better than we do. I give you a simple illustration of that. The subject matter of the *Laws* requires from Plato's point of view a dialogue between old men: this is explicitly stated at the beginning where he states that we now have an absence of young men, and this was required. Even if Plato had the thought of the *Laws* thirty or forty years earlier, in his opinion it would require old men—just as Aristotle says in the *Ethics*, that is not so greatly different [in its claim] that this ethical subject cannot properly be discussed by young men who lack the experience which comes with the years. You can enlarge that and can say that older men (who are not senile, of course) are the best men to speak about these matters with competence. Now if this is so, Plato could have imitated the mannerisms of the old, [being] the great poet that he was, even when he was young. Secondly, Plato might have had this notion very early in his life: if I live long enough, I am going to write a book on laws as a kind of practical supplement to the *Republic*, but with that I wait until I am old because it will then be easier for me to write, to speak like an old man. And then, what would seem to be a mere imposition of nature on Plato, old

age, was in a way free choice. One cannot tell; it is absolutely impossible, I think. I think in the case of all great writers the attempt to give a psychological explanation breaks down.

Student: Is this really a psychological explanation?

LS: That is a psychological explanation.

Student: He may have been deliberately stressing the wrong side of spiritedness because he was after all addressing himself to two old men.

LS: That is not a bad point. In this form I would consider it. Can you state it more clearly for those who have not seen that point? Let me give you a simpler and broader argument. The men here are a Cretan and a Spartan. Now in the *Republic* Crete and Sparta are presented as timocracies, the second-best regime. And in the *Republic* that is coordinated with an order of the soul. The best regime, aristocracy, predominance of reason; the second best, timocracy, predominance of spiritedness; then the third, fourth and fifth, preponderance of desire in various forms: preponderance of necessary desire, oligarchy; preponderance of unnecessary desire, democracy; of unnatural desire, tyranny. So that is very good. In other words, [he fights spiritedness here] for the same reason he has to fight courage so strongly in the first book, since courage and spiritedness go together; [this is] the polemic here. That is a good point, surely. And that is then wholly independent of any attempt to psychoanalyze Plato, which I am sure you didn't intend. Such a thing is blasphemy, of course. Worse than blasphemy.

I can only say that as far as I have come in understanding Plato, I think this question of the status, of the relation of spiritedness and eros, leads very deep into the thought of Plato. One could perhaps say the problematic relation of these two things in man is *the* Platonic formula for the human problem. Now is there any other point?

Student: You mentioned that people who are mad would be kept in houses, and this raises a general problem for me. He hasn't yet, even though he is talking to the Spartan, brought up the problem of the exposure of children and the extermination of undesirables.

LS: I think that was discussed, the exposure of the children. It is in an earlier Book, although I couldn't say where. Where does he speak of this? I believe it is in the Fifth Book.

Student: I don't think he says anything about the exposure of children there.

LS: What about the Sixth Book?

Student: There is a possibility that it could come up in the Fifth Book. They are talking about the overproduction of children.

LS: I think in the Sixth Book, because when he speaks of the beginnings of human life I think there is a reference to that. But I may make a mistake regarding that. But for my own private use I would use this inference *a fortiori*: if even Aristotle allows the exposure of children, and Aristotle is generally speaking much more civilized in these matters, then Plato in his radicalism would surely not simply forbid it. At least [he would] discuss it, perhaps decide against it on practical grounds, e.g., misuse and so on, but have no objection to it in principle.

Student: I was wondering with the mad people that instead of locking them up that they might simply be eliminated.

LS: That is a good question, but you must not forget that madness was not regarded as a simple disease. It had also a certain halo of [a] divine thing, being possessed by something, and not necessarily by evil demons. The notion played a great role. I quoted this remark from the *Banquet*, that madness has been the cause of the greatest blessings. I mean, Plato understands it differently, but speaking here from a legal and very commonsensical point of view, he surely made quite a few concessions to accepted notions. That we have seen going through the book, e.g., the adoption of slavery, certain penal provisions (I have forgotten now which they were), certain kinds of involuntary homicide were obviously a concession. For example, why should the forgiveness of the dying father to the son who in a rage killed him be so decisive for the legislator? After all, if this grave action of attacking one's father is to be discouraged so ruthlessly as the whole situation demands, why should a particular meekness or mildness of a given father have any say in the matter? Or take another case, the right of asylum. This is another example, wholly irrational from a rational point of view, and still some concessions are made to that. This goes through the whole book. This is not a many-headedness on the part of Plato; he does these things with his eyes open. And the formula which indicates the principle of these concessions or compromises is this: that *nous* (intelligence) is and is not identical with *nomos* (the law). And to the extent to which it is not, that is shown by these concessions. And that it is is shown also by quite a few attempts to transcend the accepted. And the clearest cases of this transcendence occur at the beginning and at the end: at the beginning, the wine drinking, which is initially overstated as drunkenness but later on as a very mild thing; and then at the end (the Twelfth Book) we get this nocturnal council as a most important institution, which also transcends the political setup as such.

[end of session]

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[1] Deleted "or parents."
[2] Deleted "which."
[3] Deleted "and."
[4] Deleted "his."
[5] Deleted "the morality of the believer."
[6] Deleted "capable."
[7] Deleted "excepting."
[8] Deleted "that."
[9] Deleted "than."
[10] Deleted "that."

Session 15: March 5, 1959

Leo Strauss:[i] [in progress] —[I would not say that] your paper was excellent because it suffered from certain defects which I shall mention, but I would say definitely that it was unusually interesting. You made quite a few excellent observations, and if I may try to express the impression which I got, you looked to me like a man who goes deep into the sea, a diver looking for things, but water came into your eyes somehow and you didn't see certain very obvious things. But you did bring up some jewels, especially what you said about the very ingenious idea you had, the connection between the end of the *Laws* and the end of the *Republic*, especially this story of Er and the three fates. That is a very sound and interesting observation.

There are certain points on which I believe you are wrong, e.g., what you said about the general and the physician. Without looking up the passage now I would suggest that you have probably been misled by the translation. That can happen. And there were some other things which I will take up. Also what you said about the funerals—you remember, the funerals were so important right at the beginning [as] the example of what the legislator should do in Book 5. And at the end it comes up again [as] the last topic of the legislation proper, and there the problem of life after death is of course present. But on the other hand, I believe to say the Athenian Stranger is a tyrant, a man who is devoid of any capacity to force, doesn't seem to be warranted to me unless you enlarge the meaning of the word "tyrant" in such a way that [it applies to] a man who rules over men not on the basis of law but on the basis of physical, i.e., natural, superiority (as he rules over Clinias, for example). Then it might be defensible, but it would need a long argument before it could be accepted.

Now you started from the question, which is very good and very necessary: Who is ruling? But then you also made some remarks, one remark I remember, which shocks common sense and therefore is not acceptable as it stands. For example, if you take the judges, or maybe in the case of arbitration, the arbitrators, and the people abide by the arbitration, then the arbitrators rule in this case. If the verdict of the judge is accepted, the judge rules.

Student: It has to be carried out; someone has to execute it.

LS: Yes, sure, but that is simple.

Student: But there seems to be a difficulty in the passage there.

LS: I didn't notice it.

Student: [Inaudible]

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[i] Strauss comments on a student's paper, read at the beginning of the session. The reading was not recorded.

LS: Let us see. The judge gives the verdict, say, capital punishment, to take the most simple case. And then some people are commanded to execute that. Simple.

Student: In that case, yes.

LS: All right, but—

Student: To take the case under consideration, one man is supposed to pay someone else. If he doesn't do it, then the other, after a year or so, can come back and tell him . . . .

LS: Well, all right, but there is always a judge of the last instance, whoever it may be.

Student: So here the executors would be the rulers.

LS: No, no! They do what they are told. If so, then the cops would be the rulers. They always do or are supposed to do what they are told.

Student: I had in mind the separation of church and state in particular. Remember the difficulty at one time when the church would lay down rulings and the state wouldn't enforce them?

LS: Yes, but this difficulty doesn't exist in a pagan society where there is no independent priesthood. So I say there were certain little things which could be disposed of very quickly because there is a clear hierarchy. And you come up ultimately to the law wardens, and then in the last stage, the last section of the Twelfth Book, you see there is something still higher than the law wardens, and that is the nocturnal council. So one could say—

Student: That is what I was attempting to show.

LS: That is, of course, perfectly correct. And you said this very nicely to begin with: there are two alternatives: philosopher kings [as in the] *Republic*, and the other alternative is the Aristotelian one, ruling and being ruled at the same time: the citizen body. Surely these are the two alternatives, and there you are absolutely right. And then you made a very interesting remark: you said the ruling and being ruled is not so simple here in Plato's *Laws* because of the four classes. The highest class has an edge; it rules more than the other classes do. Sure, and certainly more than the lowest class. And then you made a very ingenious point when you made us think of the four classes in the *Republic*, and of course that is very good—after all, it makes sense to call the richest class the golden class, and the second richest the silver, and so on. You know the usual explanation is this: that Plato took over here Solon's arrangement, the old ancestral polity of Athens. And that is true, but the question of course arises: Why did Plato choose Solon's? And the mere fact that he came from the same family as Solon, or that Solon was his compatriot is of course not sufficient in the case of a man of Plato's intellectual freedom. Therefore one can take this into consideration: that the hierarchy—gold, silver, bronze, iron—reflects in

the element of body the true hierarchy of perfect virtue and more or less diluted virtue. That is a very good point, one for which I am grateful. I really wish to emphasize that.

And then you made another point which is certainly not absurd but which I would like to get a better understanding of. The *Republic*, you say, is the rule of philosophers; in the *Laws* you say there is not a rule of philosophers (and that is demonstrably correct) but a rule of philosophy, doctrine as distinguished from the living intelligence of the philosophers. That there is a rule of doctrine can be very well defended, but is it philosophy? You yourself made several qualifications.

Student: Yes, I said it was less than philosophy but more than a lie.

LS: Yes, that is a very good remark, I think. You say, in other words, that the doctrine, while not being philosophic, has a higher degree of truth than the noble lie of the *Republic*. And then either you said or I inferred—it doesn't make any difference—that the non-philosophers are intellectually better off in the *Laws* than they are in the *Republic*. You meant that, surely?

Student: That is what it means, yes.

LS: And that is, I think, very good. Very good. Because in the *Republic* they are really kept on the level of the noble lie and merely told these stories, whereas here, this natural theology of the Tenth Book is the public teaching. That is extremely interesting, and I think absolutely correct. And it fits in very nicely with certain things which we discussed last time, namely, that in the *Republic* (if you remember that)[1] spiritedness has a much higher status than it has in the *Laws*. And this higher status of spiritedness in the *Republic* is connected with the unnaturalness of the *Republic*. In the *Laws* we have a more natural order of society, and accordingly the accepted teaching can be more in accordance with nature; it can be more true. That, I think, is a very good remark.

These were the main points you made, and they were very well done. I am very grateful for that. And then you linked it up with another point. I must think aloud in order to see whether that is acceptable. You referred to the Tenth Book of the *Republic*, to the myth of Er especially, and said that is not a part of the official teaching of the city of the *Republic*. Although Socrates, Glaucon and the others talk this over—they, the founders—whether the citizens will be told that story is absolutely—

Student: Exactly right.

LS: That is at least not certain. And you believe you can show that it cannot be a part of the official teaching of the city of the *Republic* because this teaching would create a danger to the rule of philosophers. That I did not quite understand.

Student: Well, first there is the problem of free will, the insinuation that everyone can pick up their own life—

LS: After death. But that doesn't help them now.

Student: But doesn't that mean they make the choice as to the kind of everyday life they lead? If they thought this, wouldn't this affect the way they lead their everyday life?

LS: No, think of India. Let us start from a very practical proposition, the caste system. This caste system means of course terrific hardships or deprivations for the lower class. Now how can this be defended? And the Hindu answer is: they chose that way of life, and therefore it serves them right. It is not unjust that this fellow is an Untouchable. He chose that prenatally. I do not mean in the mother's womb, even before that. And there is something similar of course in the *Republic*. Everyone has chosen the character and the nature which he possesses, and therefore he cannot complain, not only to the government but even to a creator. The freedom of will doctrine is clearly stated in the Second Book in the teaching addressed to the guardians. The reason is very simple: if there is no such freedom, evil has to be traced to God or to the gods. And that leads to great difficulties, because if the gods are the cause of evil, then they are not simply good. Then they cannot act as models. Therefore another cause of evil must be found, and the morally most useful view is that it is your fault, not the fault of anyone else. Your sin, either in yourself or in an original sin—it doesn't make any difference—is the cause of evil. Therefore I do not regard this point as decisive, but another point occurs to me in this connection. The myth of Er contains, in a very much disguised way, the Platonic cosmology. You know, there is a description of the whole cosmos given in an entirely imaginative form. Take the astronomy. This astronomy is given in the Tenth and Twelfth Books of the *Laws* in an open form. That would confirm your thought. The *Laws* are, in the public teaching, more open to everyone than in the *Republic*. I think you established this point very well. It is very remarkable that in this book, in which the word "philosophy" occurs a single time—

Student: Twice. In my book it occurs another time.

LS: In the translation?

Student: No.

LS: Then show it to me. You are absolutely right (967c8). Is it the only other passage in which you found it? I see I overlooked it, because the subject matter is a reference to the comic poets and it was so interesting to me that I did not see it. Thank you very much. Is there any other reference to the word "philosophy"?

Student: No, only the other one to which we have already referred.

LS: I am not surprised that I missed this, since one cursory reading never suffices for certainty in these matters. There may be some more references, but at any rate it is extremely rare. There can be no question. Now that a dialogue of this length, in which the word "philosophy" occurs, let us say, not more than four times at the outside, should present to the citizens a philosophic or almost philosophic teaching, whereas in the *Republic* the word "philosophy" occurs infinitely often, that a teaching addressed to the citizens who are not philosophers is infinitely lower is a fact of the utmost interest. It is in a way already a definition of what the *laws* mean.

Student: I tried to indicate that the citizens had more training in philosophy.

LS: That goes a bit too far, but surely the status of the non-philosophic citizen is in the *Laws* much higher with regard to philosophy than in the *Republic*. That is certainly true. Now if someone else found any other reference to philosophy I would be extremely grateful to hear of it.

That the life after death is less important in the *Laws* than in the *Republic* I believe one can say, although it is of course mentioned, as you observed, in the Tenth Book.

Student: It comes out altogether there. They remove it almost entirely.

LS: Yes, especially in the Twelfth Book. That is true, and your linkup of this with the issue of funerals is, I think, a very intelligent idea. But why is the doctrine of life after death really a problem as far as the political aspect goes?

Student: Is it that it represents a court of appeals beyond the control of the philosophers?

LS: Yes, beyond the earthly polis. There is a reference in the Twelfth Book to the other gods to which he will go. They are not the gods ruling the city. That is also in the *Apology*.

Student: The auditor will go to the other gods.

LS: After death.

Student: Well, but does he die? Does he have to die? Can't he become a nocturnal council member?

LS: The nocturnal council are living human beings. They do not belong among them. I don't know whether I can bring it out now clearly, but *the* dialogue which is devoted to the question of life after death is the *Phaedo*. That dialogue takes place on the day of Socrates's death. The good life is defined as learning to die. A depreciation of the body, of this life, and hence of course also of the polis is very visible there. In other words, that problem which is well known on the scale of universal history from the conflict between otherworldly religions and the secular, worldly state. There is a tension here. But that needs a long argument. Within the limits indicated, I think what you said was absolutely right. But why did you speak about materialism all the time? That I did not understand.

Student: I used it as a comprehensive word, an understandable word. The argument specifically comes from the sophistical arguments.

LS: But where does it come in in this overall argument regarding the character of the *Laws*?

Student: Well, it is an attempt to improve materialistic arguments.

LS: But improving materialistic arguments is a very ambiguous term. It could mean a better materialism.

Student: I think essentially that is what I had in mind.

LS: No, I think that is clearly wrong, because for Plato the soul and mind cannot be understood as bodies. I mean, that they are essentially connected with the body is another matter. If you mean by that materialism, that would go much too far. This subject will come up in a certain passage of the Twelfth Book, as we shall see later.

And then what I didn't understand at all is when you said the problem here has a certain parallelism to the dogma of freedom of speech in modern society. That I didn't understand at all.

Student: I was using the wine incident as an example. In these wine parties, the purpose is to give the people freedom of drink, and if it turns out that they are drunkards, then they don't let them drink anymore.

LS: In the *Laws*?

Student: In the *Laws*. On the other hand, if they are able to drink, are moderate men, then this is found out and it is known that they can continue to let them drink. In modern society they give us freedom of speech. We can talk as much as we like. If we say something that is wrong, we can be persecuted or punished for it. On the other hand, if we can speak and not say anything that anyone else would object to, then they let us continue to speak freely. I think that is undeniable. It also has a funny effect on people in that they all then tend to say much the same thing. I think I have heard the remark that people in modern times, modern democracies, are very much alike. They are not as much individuals; individuality does not run through our society.

LS: That is what some people say.

Student: It seems that freedom of speech contributes to that.

LS: Well, I do not quite see what you mean. I have no objection to your comparing speaking to drinking because, for example, in both cases the mouth is involved, which is not altogether negligible. And also, people become drunk by speaking just as they become drunk by drinking, and there are probably more analogies. But the difference, I think, is this: there is not this liberty of drinking in Plato's *Republic*. Just as in the Platonic *Republic* the freedom of speech comes in on the basis of very severe restrictions, the freedom of drinking comes in only with very severe restrictions.

Student: But to return to my original narrative, I was using that as an example. Take the Tenth Book which is, let us say, entirely available for people. There are other passages, but take the Tenth Book in particular. You have all the arguments of an atheist; there are many, many atheistical arguments there.

LS: No, the thesis of the atheist is stated. No arguments.

Student: And then a person can read these things. They are open to him; he can drink of these things. Now granted, these arguments are weaker than the very strong arguments, say, of the Athenian Stranger in . . . .

LS: Well, that we don't have to argue. But at any rate he sees the alternative.

Student: He sees the alternative. He can drink, and if this corrupts him you know what to do with him. You punish him, or exile him, or something like that. On the other hand, if it turns out that he follows the doctrine which is very plainly laid down there, and there is no question that it is a doctrine, it has enforcement—

LS: There is not question about that. The first dogma in existence, at least in the Western world. And then? If he behaves and is correct?

Student: If he behaves, he is just following the doctrine. He is doing what everyone did at the drinking bouts. Granted, he isn't getting very much.

LS: Oh, I see, that is what you mean. All right, I have nothing against that. In other words, there is a certain wine judiciously made available to the citizen body which is not made available to them in the *Republic*. That is true.

Student: I also mentioned Clinias in the First Book with his talk about victory or war, courage being the only virtuous thing. It is the same thing again—

LS: You mean as a bad—

Student: As a bad thing. Clinias himself introduces these atheistical arguments, or these bad arguments.

LS: Without knowing it.

Student: But they are there for people to read.

LS: But you have to already put two and two together, and in this case one and ten (meaning Book 1 and Book 10) and then to see that Clinias's position follows legitimately from the atheistical position as presented in the Tenth Book. But we must now conclude our discussion of your paper.

Now let us first turn to the plan of the Twelfth Book. I think it is always wise to try first to get a clear plan. Now there is only one clear remark, and that occurs in 956b (page 523 in Loeb) at the beginning of the paragraph.

Reader:

> [Ath.:] And now that we have stated in detail what and how many the divisions of the State as a whole must be, and have also stated to the best of our power the laws regarding all the most important business transactions, it will be proper to deal next with judicial procedure. (956b-c)

LS: Now let us stop here. That is the only remark of this kind in the Twelfth Book. And that is very important because it tells us [that] up to now, after the conclusion of the section on magistrates as well as on education, we dealt with business transactions. That is certainly true from the beginning of Book 11. And so all these subjects of the Twelfth Book in particular, and of course of the Eleventh [Book], deal with business transactions, and that is a problem. And now we come to the law courts and actions among citizens and so on, but this is a difficulty. Look at the beginning of Book 9 where it was said [of] law courts and trials and actions. I only want to show that a very clear remark of Plato on the plan of this last third of the *Laws* doesn't jibe. The problem is to understand the relation between the plan actually pursued and the plan indicated here. The ordinary explanation is, of course, that Plato changed his mind while he wrote and then he died before he could bring it into harmony. I am not in a position to solve this problem, but I would like to turn now to an enumeration of the subjects of Book 12, and while I do that to see whether this makes sense. Quite externally stated: first, embassies and the large theft of public property.

Now the connection between the two subjects is not too difficult. From time to time you read something about what ambassadors, consuls, and other people do with public money, even in our age. Now the second subject is war: war and the crucial importance of strict obedience to the superiors, military discipline. No one must do anything while in an army without having been commanded to do so, neither eating nor drinking nor anything else. The same applies also with minor modification to peace. Here the only connection I see is public property, public magistrates. In this connection one subject comes up and takes up unusually large space, and that is the question of the deserter, in the more precise form of the man who threw away his shield. You remember that that is very extensively discussed, and Plato is very mild on that fellow, amazingly mild; we shall see that later. The next subject is the audits of magistrates after they have completed their term of office. The connection between theme two and three is not difficult to see, because in both cases—[of] the man who throws away his shield and of the magistrate—there can be failure for which the individual in question cannot be held responsible. You have elected a very honest man as a magistrate, and then he simply is not up to his office. I mean, he is not bright enough or he is not healthy enough, so it is a failure due to his *physis*, his nature. Now the same consideration applies also to the man who threw away his shield. You know, he may have had a failure of nerves or some other thing of the same kind. Now the connection between soldiers and magistrates is clear from this point of view. The first-rate soldiers as well as the first-rate magistrates are the citizens worthy of the highest honor in the polis. So this is another form of the connection between these two themes.

The fourth subject is oaths, and the point here reads very modern (by modern I mean seventeenth century). The use of oath is severely limited, severely limited beyond what was the constant practice at that time. And why was this limited? Why should not so many oaths be demanded in judicial procedure as they are actually demanded? Why? What is Plato's decisive reason?

Student: The notion of the gods had changed.

LS: It had changed. That is the emphasis. Not because there is anything wrong with oaths, but because the notions of gods had changed. In other words, there are many more perjurers now than in the past, because people don't believe any more in the gods to that extent.

Student: [Inaudible]

LS: Yes, but that is extremely interesting because it has very far-reaching consequences. We shall see this later. That is the truth underlying your remark about materialism. That is too narrow a term, but unbelief is now much more common than it was in the past and therefore the laws must be different. But the crucial implication of this is of course that this applies not only to the provisions regarding oaths but[2] is a tacit premise of the whole code, naturally. The old codes were based on the premise that the codes were divinely given by Zeus through Minos, by Apollo through Lycurgus. That was very gradually undermined in the First Book or Books, as you may remember. And now the human legislation, the legislation that does not pretend to be more than human legislation, the whole of this is pervaded by the principle that beliefs in gods have changed. And of course the crucial consequence is this: because the traditional belief in the gods can no longer be counted upon, a new basis has to be found. This new basis is in the last resort what? What is the new basis of legislation after the belief in gods has decayed? I mean, there is only one alternative. It can no longer be believed as divine revelation—Minos and so on. What takes its place? What is the foundation? If this works.

Student: Personal authority [inaudible].

LS: But from which is that derived?

Student: Rich citizens.

LS: But how is the significance of wealth and wisdom to be established if it is not established by divine revelation?

Student: By what is called doctrine.

LS: By philosophy. Let us not hesitate to use that word. Surely, to that extent, the philosophic code. This foreshadows already the nocturnal council, which is a council of philosophers, at the end of the book.

Now the next subject after oaths is emigration and immigration which covers that important subject traveling. Is it necessary to elaborate that? I believe quite a few among you can answer that question. What is the link between legislation regarding oaths and travel? Yes?

Student: Other countries have other gods.

LS: Surely, and?

Student: [Inaudible]

LS: But still that does not explain to us the implication of the section on oaths. All right, then if you are in another country, you swear by other gods. That's all; that is the only consequences which would follow from that. But it is really a very simple thought, and I am sure that—

Student: To look for philosophy in other countries, is this what you mean?

LS: No. For example, but traveling is a condition of philosophy. I mean not necessarily physical—Socrates never traveled as we know, but that was an accident, so to speak. But without traveling, Socrates would have been impossible. Think of the examples which he uses in the *Laches*. Someone says courage consists of always attacking and never withdrawing, and then Socrates brings the example of the Scythian cavalry. How does he know of the Scythian cavalry except because some people traveled there? The primary way for realizing that the so-called values of one's society are as such not natural—as such, as the mere values of one's society—is to see other societies. I mean even in present-day relativism this is the most trivial argument.

Student: Are you saying this is a commonly held opinion then, or is your interpretation—

LS: No, I would say it was a commonly held opinion then.

Student: At that time?

LS: Yes, and even before that.

Student: I was thinking about after that.

LS: No, before Odysseus. The wisdom of Odysseus is due to the fact that he traveled so much, not only to Troy but afterwards because of his troubles. And he had known the minds of many men. It is right at the beginning of the *Odyssey*. That is from the very beginning.

The next subject (and that is very hard—I can only repeat the enumeration) contains such subjects as security searches on other men's property, a statute of limitations, preventing by force people from appearing at a law court, at contests and games, and so on and so on, and finally, votive offerings to the gods. I have been unable to discern a principle there but I am sure that Plato did not do it without any rhyme or reason.

Student: With regard to the searching of other men's properties, the person has to enter under certain conditions naked before he can search. Would that remind in any way of Aristophanes' comedy *The Clouds*, where the person goes into Socrates "think tank" but is informed by Socrates that he has to disrobe first?

LS: I don't remember that. Certainly I would say that is an interesting confirmation that there was such a legal provision in Athens. I didn't think of that. Thank you. But generally speaking disrobing, stripping, was used as a simile for learning or, for that matter, for teaching. I give you a simple example. I stripped when I revealed my

ignorance regarding the second reference to philosophy. The grossest case is of course examinations, where the soul, the ignorant soul, of the student is completely stripped in the presence of the examiner. And the word gymnasium, which means the stripping place, has immediate reference to the stripping for bodily exercise but it was applied also to philosophic schools. The Pythagorean school is called, for example, in the *Gorgias* a gymnasium. Why? The soul, the mind is stripped when you teach, learn, converse. It is clear. No pretence. Even if a man is extremely clever in concealing his nakedness, sooner or later he is found out.

Now I thought only of two possible passages as keys, and let us look at them. The first (995c, page 521):

Reader: [Ath.:] "Everyone shall regard the friend or enemy of the State as his own personal friend or enemy; and if anyone makes peace or war with any parties privately and without public consent, in his case also the penalty shall be death—"

LS: You see, that reminded me of an Aristophanean comedy, of the *Acharnians*, where a man makes a private deal with the enemies. Now if you read on a bit.

Reader:

> and if any section of the State makes peace or war on its own account with any parties, the generals shall summon the authors of this action before the court, and the penalty for him who is convicted shall be death. Those who are performing any act of service to the State must do it without gifts; and it shall be no excuse nor laudable plea to argue that for good deeds a man ought to receive gifts, though not for bad—

LS: That is interesting. That has, I think, also a contemporary flavor.

Reader:

> to decide wisely, and firmly to abide by one's decision, is no easy thing, and the safest course is for a man to listen and obey the law, which says, "Perform no service for gifts." Whoso disobeys, if convicted by the court, shall be put to death once for all. (955b-d)

LS: "For all" is a gratuitous addition of the translator. He shall die once. Now you remember there was a passage in 946e1-5, page 493?

Reader:

> [Ath.:] —but if he be convicted, in case the penalty imposed on him by the examiners be death, he shall simply be put to death (one death only being possible), but in the case of other penalties which admit of being doubled, he shall pay a double penalty. (946e)

LS: Yes, it is clear. In the case of a money fine it can be doubled; death you cannot double. Does it remind you of another passage which we read?

Student: Yes, the passage that indicated atheists would die not once—

LS: The ironical atheists.

Student: Would not die one death and not two deaths.

LS: So in other words, either three or *n* deaths, or none. What I was trying to show is only that there are certain very funny things, funny business, going on in this seemingly very serious legislative enterprise, and one has to consider this in order to interpret it properly. I cannot say more about this section than what I have said.

Now after this very mysterious section beginning with securities and ending with votive offerings to the gods, he turns to judicial procedure.

Student: At the end of that it is interesting to note that Clinias is found agreeing that reason is the first of the virtues. The section just after the votive offerings, 963.

LS: But that is much later.

Student: I'm sorry.

LS: And then he comes to judicial procedure again. This creates a problem because that subject had been discussed before. And then the last subject, naturally. What is the end of all human doings—the end in the simplest and most massive sense? What is that?

Student: Death.

LS: Sure. That is no value judgment whatever. And so in terms of the legislator, funerals, that is the final subject. We begin really from birth—you remember, marriage and birth—and end with death, as he had promised us in the First Book. And there the legislation proper is finished. And then we come to a broader consideration: how to preserve the whole code. And the answer is given that there must be some new institution, the nocturnal council, which is in fact identical with a group of philosophizing men. This much about the plan. Now let us turn to the most interesting passages, at least as far as we can cover them now. And let us first see at the beginning of the Book.

Reader:

> [Ath.:] If anyone, while acting as ambassador or herald, conveys false messages from his State to another State, or fails to deliver the actual message he was sent to deliver, or is proved to have brought back, as ambassador or herald, either from a friendly or hostile nation, their reply in a false form,—against all such there shall be laid an indictment for breaking the law by sinning againsts the sacred messages and injunctions of Hermes and Zeus, and an assessment shall be made of the penalty they shall suffer or pay, if convicted. (941a)

LS: Now wait a moment. I observed this only now: the first subject matter mentioned is ambassadors; the last subject of Book Eleven was forensic rhetoric. Those of you who have read certain other Platonic dialogues will have no difficulty in linking them up,

these teachers of rhetoric who are sent by their cities as ambassadors, like Hippias, Gorgias and so on. Now read on here.

Reader: "Theft of property is uncivilized, open robbery is shameless—"

LS: "Uncivilized" is, of course, a somewhat British translation; "unbecoming a free man."

Student: Ungentlemanly.

LS: "Unliberal" or "illiberal," "unbecoming a free man."

Reader:

> [neither of these] has any of the sons of Zeus practiced, through delight in fraud or force. Let no man, therefore, be deluded concerning this or persuaded either by poets or by any perverse myth-mongers into the belief that, when he thieves or forcibly robs, he is doing nothing shameful, but just what the gods themselves do. That is both unlikely and untrue; and whoever acts thus unlawfully is neither a god at all nor a child of gods; and this the lawgiver, as it behoves him, knows better than the whole tribe of poets. (941b-c)

LS: Let us stop here. So you see we come back to a great theme: the relation between poets and legislators. And it is made clear here that the real judge in such matters is the legislator and not the poet. He mentioned Hermes here, who was notorious for thievery. That must of course be changed, because once a god can steal—and we must remember the gods are of course models for men—the terrible consequence is obvious. You see, by the way, that this sentence is rather ambiguous. No son of gods (beginning 941b) has ever done anything of this deriving pleasure either by guile or compulsion. That doesn't completely exclude the possibility of theft, only of such theft as connected with deriving pleasure from guile and corruption. There can be maybe other cases; at least it is an ambiguous sentence. You see also the distinction he makes here between true and plausible, as I would translate. Something could be true without being plausible and the other way 'round. Now if you will read on a bit where you left off.

Reader:

> He, therefore, that hearkens to our speech is blessed, and deserves blessing for all time; but he that hearkens not shall, in the next place, be holden by this law:—If anyone steals any piece of public property, he shall receive the same punishment, be it great or small. For he that steals a small thing steals with equal greed, though with less power, while he that takes a large thing which he has not deposited does wrong to the full; wherefore the law deems it right not to inflict a less penalty on the one offender than on the other on the ground that his theft is smaller, but rather because the one is possibly still curable, the other incurable. (941c-d)

LS: Now let us stop here a moment. By the way, the word which he translates by "greed" (c6) is in the original *eros*, and this has a very different meaning. "Passionate desire," you

could perhaps say. And you see here also a very strange thing: the amount of the stolen property is of no account. But why are there differences of punishment? That is a very strange sentence which you read.

Student: [Inaudible]

LS: Surely not to begin with, but then he goes on to say that in the one case there is a presumption of curability, and in the other case a presumption of incurability. That has something to do with the whole problem of punishment which we have discussed before. The true notion of punishment is cure: improvement [and] instruction for the curable and extinction for the incurable, so that strictly speaking there could only be capital punishment. The others would not get capital punishment; they would be sent to schools, to a reform school which has not the character of any punitive institution. Now this obviously doesn't work. Now, how do you do it? In practice men make distinctions. Now a certain crime, say, murder, is punished very severely and petty theft is punished very lightly. But the murderer may be curable and the petty thief may be incurable. Do you see? And therefore this shows that another consideration, say, protection of society, enters, which has nothing to do with the consideration of improvement, and I think that finds expression in this very strange sentence, that there should be a kind of presumption of curability in the case of the[3] [lighter] crime and of incurability in the case of the[4] [heavier] crime. Now read on where you left off.

Reader:

> [Ath.:] So if anyone convict in a court of law either a resident alien or a slave of stealing any piece of public property, in his case, since he is probably curable, the court shall decide what punishment he shall suffer or what fine he shall pay. But in the case of a citizen, who has been reared in the way he is to be reared,—if he be convicted of plundering or doing violence to his fatherland, whether he has been caught in the act or not, he shall be punished by death, as being being practically incurable. (941d-9442a)

LS: That is reasonably translated, "practically incurable." And here also, it is presumably curable in the other case. Why is [there] the presumption of curability in the case of the foreigner and not in the case of the citizen?

Student: Because the citizen has undergone the proper training.

LS: Yes. But Plato points out that this is legal presumption and while it has a great plausibility, it is of course not simply true. And all these legal presumptions on which judges act are not, strictly speaking, true. Another indication of the make-believe character of the legal world. We have spoken of the most massive make-believe, and that is the formulation "He who does this and this will be punished this and this way," which is never true, as we know, unless you add "if he is caught." This the legislator cannot possibly add without making himself ridiculous. Every legal presumption is an element of plausible untruth. But without legal presumptions, law would be impossible. It would be infinitely cumbersome; you wouldn't arrive at any general rules which could guide judges and juries.

Student: In the case of temple robbing, the slave is punished much lighter than the citizen, but in the case of murder the slave is punished much more severely than the citizen would be.

LS: Yes, because the slaves are a danger to the masters. You know, this element of compulsion inherent in slavery requires a particularly severe punishment for slaves in certain cases. That has nothing to do with any intention to improve the slave.

Student: [Inaudible]

LS: But generally speaking slaves were treated much more harshly in these matters.

Student: But in the two examples—say, temple robbing, if a citizen[5] [were] to do this it would be perhaps much more disruptive to the whole system than if a slave were to do it . . . .

LS: And he doesn't count, somehow. Sure. I don't deny that there are very good reasons for these provisions. What I am interested in is only that they do not jibe with the strict Platonic notion of what rational punishment is.

Student: The example I gave is one where they clearly do not jibe with the question of improvement.

LS: Surely, and therefore a precise analysis would have to elaborate those principles of punishment which differ from the allegedly only rational principle, namely, that of improvement. Take this in connection with the whole problem of the *Laws* which I stated before: law is not identical with rationality. It tends to be but it can never be. There is a ceiling, and to find out that ceiling and its precise formulation would be the solution to the problem: What is the polis? Because the polis is constituted by these ceilings beyond which the polis as polis can never go, and yet which are not simply rational.

We turn now to a somewhat later passage (943d4) which is in the midst of a very long speech.

Reader:

> [Ath.:] Every man, when bringing an action against another, ought rightly to dread bringing upon him, whether intentionally or unintentionally, a wrongful punishment (for Justice is, and has been truly named, the daughter of Reverence, and falsehood and wrong are naturally detested by Reverence and Justice); and he should beware also of trespassing against Justice in any matter, and especially in respect of loss of arms in battle, lest by mistakenly abusing such losses as shameful, when they are really unavoidable, he may bring undeserved charges against an undeserving man.

LS: You see, the subject mater is the man who throws away his shield or loses his arms, and that needn't be an act of cowardice: it can be produced, for example, simply by being

overwhelmed by many people and being deprived of one's arms, and all kinds of things. Now go on.

Reader:

> It is by no means easy to draw distinctions between such cases; but none the less the law ought to try by some means to distinguish case from case. In illustration we may cite the story of Patroclus: suppose that he had been brought to his tent without his arms and had recovered—as has happened in the case of thousands,—while the arms he had had (which, as the poet relates, had been given to Peleus by the gods, as a dowry with Thetis) were in the hands of Hector,—then all the base men of those days would have been free to abuse Menoetios' son for loss of arms. (943d-944a)

LS: Stop here. Menoetios's son is Patroclus. You see, here he refers to a possible Homeric story, namely, that Patroclus had not been killed but only sent home without his arms by Hector, or it might have happened by any other accident. The subject here was touched already in Book 4 or 5—the legislator being taught by poets about the great variety of possibilities he has to take into consideration when giving his laws. So you have this twofold relation, and this is only another aspect of the fundamental problem: the poet is subject to the legislator. That is simple, for example, censorship. There is always the other thing, the legislator subject to the poet.

Student: But the poet written by . . . .

LS: Sure. That is quite good. But still, to some extent don't underestimate the poet, even from Plato's point of view. Some things they know which the mere legislator, the unenlightened legislator, might not know. That is only one illustration of the fundamental equation and non-equation underlying the book. The fundamental equation or non-equation being: intelligence, *nous*, equal and unequal to *nomos,* law. To the extent to which they are identical, the poet will of course be subject to the legislator. But since they are not identical, there is always the necessity (or possibility, at any rate) of appealing from the *nomos* to true understanding, and this true understanding is to some extent of course possessed by the poets. So that this ambiguity is just one of the infinite variety of ambiguities going through the whole book, and yet which are not due to any carelessness or so on; they have a common principle. And once one has understood that, one will not find a difficulty with these passages of the *Laws,* at any rate.

We make now a big jump to 948b (page 497).

Reader:

> [Ath.:] Rhadamanthys deserves admiration for the way in which, as we are told, he judged cases of law, in that he perceived that the men of his time had a clear belief in the existence of gods,—and naturally so, seeing that most men at that time were the offspring of gods,—

LS: And he was one of these.

Reader: "he himself among others, as the story declares."

LS: You laugh. If you were forced to justify your laughing, you might get into deep waters. What is wrong with that, that there should [be] Rhadamanthus (a brother of Minos, by the way), a man who was a god at a certain time? With what right do you laugh? One could very well ask that. There are things between heaven and earth of which your philosophy doesn't dream.[ii] If you have a god around that you know is really a god, isn't this the simplest proof that there are gods? Now he knows that he is a god. He knows that. I believe that you are right in laughing because Plato, I think, meant it ironically. But it needs an argument. Our mere impression of irony is not yet a proof. Now go on.

Reader:

> Probably he thought that he ought not to entrust lawsuits to any man, but only to gods, from whom he obtained verdicts that were both simple and speedy; for he administered an oath to the disputants regarding each matter in dispute, and thus secure a speedy and safe settlement. But nowadays, when, as we say, a certain section of mankind totally disbelieve in gods, and others hold that they pay no regard to us men, while a third party, consisting of the most and worst of men, suppose that in return for small offerings and flatteries the gods lend them aid in committing large robberies, and often set them free from great penalties,—under such conditions, for men as they now are, the device of Rhadamanthys would no longer be appropriate in actions at law. Since, therefore, the opinions of men about the gods have changed, so also must their laws change.

LS: That is a remarkable sentence. One great principle of modern historical scholarship was fully known to Plato, as you see. Continue.

Reader:

> In real actions[iii] laws that are framed intelligently ought to debar both litigants from taking oaths; he that is bringing an action against anyone ought to write down his charges, but swear no oath, and the defendant in like manner ought to write down his denial and hand it to the magistrates without an oath. For truly it is a horrible thing to— (948b-d)

LS: I think we don't need all of this. The main point is clear. A fundamental change, a change in the most important respect has taken place. Legislation must follow that, and that, as I said before, is a key to the whole work, not only to the legislation regarding oaths. That is such a basic change that it is bound to affect everything.

[ii] "There are more things in heaven and earth, Horatio, Than are dreamt of in your philosophy." William Shakespeare, *Hamlet*, Act 1, scene 5.

[iii] In the Loeb: "in legal actions"

Student: There is another change from Rhadamanthus's day. Rhadamanthus's people could never have handed in a written brief. He is asking for written briefs. Rhadamanthus was presumably dealing with illiterates.

LS: I think you are right. I think reference to writings occurs in the *Minos* only when he speaks of the brother, Calos, who was the judge in the outlying villages. Rhadamanthus, judging in the cities, had nothing to do with written statements. That is, I think, what he says in the *Minos*, which we discussed at the beginning of the course.

Now let us turn a bit further on (949e, page 501). That is another great subject.

Reader:

> [Ath.:] For a state which makes no money[iv] except from the produce of its soil, and which does not engage in commerce, it is necessary to determine what action it ought to take regarding the emigration of its citizens to outside countries and the admission of aliens from elsewhere. In giving counsel concerning these matters the lawgiver must begin by using persuasion, so far as he can. The intermixture of States with States naturally results in a blending of characters of every kind, as strangers import among strangers novel customs: and this result would cause immense damage to peoples who enjoy a good polity under right laws; but the majority of States are by no means well governed, so that to them it makes no difference if their population is mixed through the citizens admitting strangers and through their own members visiting other States whenever any one of them, young or old, at any time or place, desires to go abroad. Now for the citizens to refuse altogether either to admit others or to go abroad themselves is by no means a possible policy, and, moreover, it would appear to the rest of the world to be both churlish and cross-grained, since they would get the reputation of adopting harsh language, such as that of the so-called "Aliens Expulsion Acts," and—

LS: That expulsion of foreigners which had been periodic in Sparta. Continue.

Student: There seems to have been a question asked here, although not recorded.

LS: Now let me see. No, not only such a city. Later on he says cities not regulated by good laws; there it doesn't make any difference.

Student: He is contrasting the strictly agricultural state here.

LS: No, he says that a tolerably self-sufficient state with good laws must pay attention to that problem. [In] a city like Athens [inaudible] with bad laws and very easy-going, there it doesn't make such a great difference. Now go on where you left off.

[iv] There was a break in the tape at this point. The text from 949e-950b is supplied here in full.

Reader:

> methods both tyrannical and severe; and reputation in the eyes of others, whether for goodness or the reverse, is a thing that should never be lightly esteemed. For the majority of men, even though they be far removed from real goodness themselves, are not equally lacking in the power of judging whether others are bad or good; and even in the wicked there resides a divine and correct intuition, whereby a vast number even of the extremely wicked distinguish aright, in their speech and opinions, between the better men and the worse. Accordingly, for most States, the exhortation to value highly a good public reputation is a right exhortation. The most correct and most important rule is this,—that the man who pursues after a good reputation should himself be truly good, and that he should never pursue it without goodness (if he is to be really a perfect man); and furthermore, as regards the State we are founding in Crete, it would well become it to gain for itself in the eyes of the rest of the world the best and noblest reputation— (949e-950b)

LS: Let us stop here. Does this thought remind you of something of which you are much more familiar? A very well known formula.

Student: Practice what you preach.

LS: No, no, not quite as common, but very well known. You all read it in school.

Student: Know thyself.

LS: No. "A decent respect for the opinion of mankind." That is the formula from the Declaration of Independence. And one can perhaps say that that is probably the most simple criterion for distinguishing between civilized and uncivilized peoples: whether they have such a respect, a decent respect for the opinions of other peoples. So that is clear, but Plato makes this qualification: that it is good or noble for *most* cities—for *many* cities rather—to esteem highly good reputation with the many outside the city. In other words, it cannot be the highest criterion. There may be a perfect city of outstanding [virtue] which for this reason has a bad reputation, because it is very hard to live in. Think of Calvin's Geneva, or some other places where virtue was practiced properly. Quite a few people find this unpleasant, and Plato makes allowance for that. A bad reputation for moral severity is of course no objection. And also what Plato says here about all men in a way—that they know very well the difference between good and bad, although they don't act on it—that is also a remarkable statement. And they even praise the virtuous. Not only[6] [do] they know it, they praise the virtuous and blame the vicious, but it doesn't affect their actions. Montesquieu expressed this in a very charming way. Do you remember it?

Student: Men, rascals in retail, are wholesale very decent people; they love morality.[v]

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[v] Charles de Secondat Montesquieu, *The Spirit of Laws*, Book 35, chapter5, "Of Laws in Relation to the Establishment of Religion and its External Polity."

LS: Yes. In other words, an open denial of the principle of morality would be absolutely shocking to them, and yet as far as their own action goes that is another matter. It was once presented very nicely by Humphrey Bogart when he played a famous killer and gangster, and was morally shocked by a flippant remark of an "intellectual" to an old man. He was simply shocked by this improper attitude of the younger man to an older man. That is one illustration of that. I suppose there are others.

Now the law is [that] people should be sent out by our city; where does this begin? Read from there.

Reader:

> [Ath.:] First, no man under forty years old shall be permitted to go abroad to any place whatsoever; next, no man shall be permitted to go abroad in a private capacity, but in a public capacity permission shall be granted to heralds, embassies, and certain commissions of inspection. Military expeditions in war it would be improper to reckon among official visits abroad.

LS: Isn't that nice. Those of you who were in South Korea or other places will remember this.

Reader: "It is right that embassies should be sent to Apollo at Pytho and to Zeus at Olympia, and to Nemea and the Isthmus, to take part in the sacrifices and games in honour of these gods—" (950d-e)

Student: Does he mean that everyone who competes in the athletic contests will be over forty?

LS: No, I think[7] [he means those] in charge of these groups.

Student: Why doesn't he mention Neptune, the god of the other two games?

LS: I don't know. Well, what could you think? That is a perfectly legitimate question. Why does he mention Apollo and Zeus and not Poseidon?

Student: These are the three great games: Nemean, Isthmian, Olympian.

LS: But to which god are they [dedicated]?

Student: They are dedicated, I believe to these gods, I don't believe there are any games dedicated to Poseidon.

LS: Why do you raise the question?

Student: I thought it might be significant.

LS: I think you are right. There is something missing here. It is certainly [an] unequal construction. [To] Pytho to Apollo, to Olympia for Zeus, and to Nemea and to the Isthmus.

Student: I don't think that either the Nemean or Isthmian games had one honorary deity.

LS: I see. That might be the simple explanation. I do not know, and therefore I can't say. First one has to find the fact, and if the fact is [found], then you seek a reason. But if the fact doesn't exist, then it is a waste of time to seek a reason. Continue.

Reader:

> to take part in the sacrifices and games in honour of these gods; and it is right also that the ambassadors thus sent should be, so far as is practicable, as numerous, noble and good as possible,—men who will gain for the State a high reputation in the sacred congresses of peace, and confer on it a glorious repute that will rival that of its warriors; and these men, when they return home, will teach the youth that the political institutions of other countries are inferior to their own. (950e-951a)

LS: Yes. Mark that. Why should they do that?

Student: They wouldn't want the youth thinking otherwise.

LS: But if it is not true?

Student: Well, they would want to change them if they know that other institutions—

LS: Yes, sure, but let us assume they did find in other places a better institution.

Student: Well, it would be possible to incorporate it and not tell the youths[8] [where it] came [from].

LS: So in other words, it is a simple example of the noble lie again. We must never forget that. The official teaching is in favor of preservation, and change requires very special precautions. He speaks of that in the immediate sequel. Continue.

Reader:

> Also, they ought to send out other inspecting commissioners (when they have obtained leave from the Law-wardens) of the following kind:—If any of the citizens desire to survey the doings of the outside world in a leisurely way, no law shall prevent them; for a State that is without experience of bad men and good would never be able (owing to its isolation) to become fully civilized and perfect— (951a-b)

LS: "Civilized" is here literally translated "tamed." According to Plato and Aristotle, man is a tame animal, contrary to certain modern notions in Nietzsche and other places

that man is a wild animal. You know how they proved that in former times, that man is a tame animal by nature? A very simple anatomical consideration. For example, the teeth. Man doesn't have the teeth of a lion or of a jackal or what have you. There is a passage in one of the books by Spengler[vi] on technology in which he describes the enjoyment of biting another man in the throat. I'm sure that quite a few creatures [are] like that, but man is simply not built that way. And that is what they meant when they spoke of man's essential tameness, which of course can become something very different if not reinforced by education. But tame is the word. It sounds ridiculous, this simple example, but one must not underestimate those lessons which anatomy supplies. Continue.

Reader: "fully tamed and perfect, nor would it be able to safeguard its laws unless it grasped them, not by habit only, but also by conviction. Amongst the mass of men there always exists—albeit in small numbers—men that are divinely inspired—"

LS: Not "divinely inspired" but "divine men." That was for the Greeks not such a strange expression as it is for us.

Reader: intercourse with such men is of the greatest value, and they spring up in badly-governed States just as much as [in] those that are well governed.

LS: You see the application to the people speaking. After all, it is an Athenian who speaks.

Reader:

> In search of these men it is always right for one who dwells in a well-ordered State to go forth on a voyage of enquiry by land and sea, if so be that he himself is incorruptible, so as to confirm thereby such of his native laws as are rightly enacted, and to amend any that are deficient. For without this inspection and enquiry a State will not permanently remain perfect, nor again if the inspection be badly conducted. (951b-c)

LS: What he translated by "inspection" here and in the sequel is in Greek always *theoria*, which means originally a procession, something very solemn at which you look. You don't do anything but look at, and then it became enlarged in meaning and meant "contemplation."

Student: [Inaudible]

LS: But there, of course, these basic laws cannot be changed, and if he would come back he would be sent to the reformatory. Then he would be corrupted. That couldn't happen. That couldn't happen to Democritus, I believe, either. But now we must make a big jump and turn to 959a4 (page 531 bottom).

[vi] Oswald Spengler (1880-1936), German historian and philosopher, author of *The Decline of the West* (1926).

Reader: [Ath.:] "As in other matters it is right to trust the lawgiver, so too we must believe him when he asserts that the soul is wholly superior to the body—"

LS: By the way, if one wants to translate literally: "wholly different from the body." It is quite true that in Greek the meaning "different," the primary meaning [of] "different" easily takes on the meaning "excellent." Differently wealthy means then extremely wealthy. But the literal meaning is "differently," and it is perhaps better to translate it this way, especially in our present case. In other words, one must never do this—in translating a Platonic passage, especially if it is easily translatable, one must not read in all one's wisdom about what Plato teaches in other places. That is not proper. It makes it much more even than it is meant to be. Go on.

Reader:

> and that in actual life what makes each of us to be what he is is nothing else than the soul, while the body is a semblance which attends on each of us, it being well said that the bodily corpses are images of the dead, but that which is the real self of each of us, and which we term the immortal soul, departs to the presence of other gods, there (as the ancestral law declares) to render its account,—a prospect to be faced with courage by the good, but with uttermost dread by the evil. But to him who is dead no great help can be given; it was when he was alive that all his relatives should have helped him, so that when living his life might have been as just and holy as possible, and when dead he might be free during the life which follows this life from the penalty for wickedness and sin. This being so, one ought never to spend extravagantly on the dead, through supposing that the carcase of flesh that is being buried is in the truest sense one's own relative; but one ought rather to suppose that the real son or brother—or whoever else it may be that a man fancies himself to be mournfully burying—has departed in furtherance and fulfillment of his own destiny, and that it is our duty to make a wise use of what we have and to spend in moderation, as if it were on a soulless altar to the gods below: and what constitutes moderation the lawgiver will most properly define[vii]. (959a-d)

LS: Let us stop here. Now what do you make[9] [of] this passage, where the immortality of the soul is clearly taught?

Student: Yes, in the case of the auditors this is not even mentioned. Does that make any difference?

LS: Yes, but I don't see why it shouldn't be true of the auditors what is true of other human beings. Why should auditors be less immortal than others? You would have to back [that] up.[10]

Student: I was not so concerned with what he said himself, but I was looking . . . .

[vii] In the Loeb: "properly divine."

LS: Yes, I also somehow don't believe that Plato believed in this way in the immortality of the soul, but that is a mere private opinion without any value if it is not backed up by any argument.

Student: I was looking for a few loopholes. I found one or two, I thought.

LS: Which?

Student: It says, "departs in the presence of other gods."

LS: Well, the Cronic gods, the infernal gods, the gods of the lower or nether world. It could be Pluto and Persephone.

Student: Well, if the nocturnal council supplied the gods, then man could go to the gods.

LS: These are very ingenious guesses, but as such without any value. I just wanted to point out this point. I remind you only of this here—now we get the law regarding funerals, and that, as I said before, was *the* key example for good law.

Student: He provides penalties; that's another reason, I think. Doesn't he have law enforcement here which punishes them if they go to altars other than their own?

LS: But it is the living.

Student: That's true.

LS: Sure, if a man who erects a fantastic monument for his departed is punished, the departed is not punished. Even if the departed should have made this part of his testament, he could not be punished, at least not by the earthly, the human legislator.

We come now gradually to the key subject of the end of the Book. We begin with the last sentence of page 537.

Reader: [Ath.:] "And this, as it seems clear to me, is what our laws still lack—namely, a right mode of naturally implanting in them this irreversible quality." (960d)

LS: What does "naturally" mean here? In other words, the code as we have it now in its completed form or practically completed form does not have a guarantee of its survival in itself of its unchangeability. Now this quality, this power, is to be implanted into that *kata physin*, according to nature.

Student: Telos? Thus to have its end?

LS: Surely, but the question of the end has not yet arisen, or rather we knew the end all the time: the four virtues and the divine good and the human good—no, "in a way corresponding to the nature of man," I would translate it. We must see that human possibility which allows us to get unchangeability. That we have not yet answered. The answer of course is the nocturnal council. Living intelligence alone can preserve the city,

and therefore we have to look for that. The living intelligence which has been provided for up to now is insufficient; merely political intelligence is insufficient. There must be something higher. But we come to that.

We turn then to 961d at the beginning.

Reader:

> [Ath.:] One ought to observe, Clinias, in regard to every object, in each of its operations, what constitutes its appropriate saviour—as, for example, in an animal, the soul and the head are eminently such by nature.
> [Clin.:] How do you mean?
> [Ath.:] Surely it is the goodness of those parts that provides salvation to every animal.
> [Clin.:] How?
> [Ath.:] By the existence of reason in the soul, in addition to all its other qualities, and by the existence of sight and hearing, in addition to all else, in the head; thus, to summarize the matter, it is the combination of reason with the finest senses, and their union in one, that would most justly be termed the salvation of each animal. (961d)

LS: Here one thing is clear. By the way, "reason" is not a good translation. One should say "intelligence" or "mind"—intelligence plus the noblest senses. It is not intelligence alone; that is insufficient. Sense experience is essentially necessary for that. Why does Clinias have such a difficulty in understanding that at the beginning? Why is it he doesn't understand this simple thing: that soul and head are the most important for the preservation of a living being? Should he still believe that claws and such things are more important for the preservation of a living being?

Student: Doesn't he think of god? Remember the passage where he says you go beyond the laws in the Tenth Book? So that he has his mind on these theological things.

LS: I wonder. I mean, it occurs to me now that Plato[11] [says] that in a living being, not only in man, the soul and the head should be most important. Could one not as a very simple man say no, that a lion and other animals depend much more on the other things for his defence?

Student: But on the other hand, the senses direct the use of the lion's claws and other things. He would be utterly useless without his head.

LS: Yes, if he were blind and so on. But still, we are trying to understand Clinias and he must have here a difficulty which I, for example, did not have, and one must try to understand that. My tentative suggestion is that he is thinking primarily of the immediate weapons of offense and defense rather than of the guiding power. I do not know whether that is true.

Student: [Inaudible]

LS: That is no problem for anyone at that time, because soul means that by virtue of which a living being lives. You see a body; something is missing—I mean, let us take a body of a being which just died. It is in a way the same dog, and yet something is missing that has disappeared from it by virtue of which it lived. This thing which you don't see and which you can perhaps think [of] for a moment as the breath, the last breath which came out of it, that is the soul. That is the primary meaning of soul. So in this sense everyone spoke of soul at that time, and[12] [the] characteristic assertion of Plato is that the distinction between soul and body must be taken seriously, that the soul is not in any sense body or bodily. For example, when you say soul is breath, or as the Old Testament has it in a passage, soul is blood,[viii] then clearly the soul is one kind of body. What Plato insists upon is that the soul is in no sense body, although it doesn't exist independently of a body. Now let us go on where we left off.

Student: Could Clinias's denseness have been brought in by way of an argument? Here this man has been taught the sound doctrine as to how to legislate for the entire day, and still—

LS: No, no. We find [that out] later on, no. He is not tired. That I believe I can prove to you later. He is not tired. Now go on.

Reader:

> [Clin.:] Surely this is good.[ix]
> [Ath.:] It is probable. But what kind of reason is it which, when combined with senses, will afford salvation to ships in stormy weather and calm? On shipboard is it not the pilot and the sailors who, by combining the senses with the pilot reason, secure salvation both for themselves and for all that belongs to the ship?
> [Clin.:] Of course.
> [Ath.:] There is no need of many examples to illustrate this. Consider, for instance, what would be the right mark for a general to set up to shoot at in the case of any army, or the medical profession in the case of a human body, if they were aiming at salvation. Would not the former make victory his mark, and mastery over the enemy, while that of the doctors and their assistants would be the providing of health to the body?
> [Clin.:] Surely.[x] (961d-962a)

LS: You have now three examples of three arts which frequently occur together: [those of] the pilot, the general, and the physician. These three arts have something in common. They are particularly important for saving life [in the face of] dangerous things, e.g., seafaring, [and] battle; and the physicians, naturally, because they are supposed to preserve life. Now you see in the central case, in the case of the general, he does not mention the subordinates as he does in the two other cases. In the case of the ship he mentions both the pilot and the sailor; in the case of the physician he mentions both the physician and his assistants, but not in the case of the general. That I think is an

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[viii] Leviticus 17:14.
[ix] In the Loeb: "That is certainly probable."
[x] In the Loeb: "Certainly."

indication, I believe, to the problem of the unity, the single man in control, whereas there is a division of the ruling element in the two other cases. At any rate that needs a discussion.

Student: Isn't it almost superfluous to mention that generals have armies?

LS: Now let me see why. In the first case when he speaks of the pilots, he speaks also of the objects, namely weapons or ships; and in the second case he mentions armies; and in the third case he does not mention[13] [them]. He doesn't say that physicians deal with the body.

Student: But it is there.

LS: How does he translate it? "Every medical service strives correctly after salvation." He doesn't speak of the body here. In the first formulation, he does not speak of the physician; he speaks of medical service.

Student: This reminded me of the physician in the *Republic*.

LS: But let us first see that. And later on in the same paragraph he distinguishes between the medics and the servants, the medic's servant. That is a little problem. I don't know. But surely that is one of the many things which would need attention.

Now in 962d-e we find a remarkable passage about the vulgar legislators which has a parallel in Aristotle's *Politics*. We might read that passage.

Reader:

> [Ath.:] So now we shall understand that it is by no means surprising if the legal customs in the States keep shifting, seeing that different parts of the codes in each State look in different directions. And, in general, it is not surprising that, with some statesmen, the aim of justice is to enable a certain class of people to rule in the State (whether they be really superior, or inferior), while with others the aim is how to acquire wealth (whether or not they be somebody's slaves); and others again direct their efforts to winning a life of freedom. Still others make two objects at once the joint aim of their legislation,—namely, the gaining of freedom for themselves, and mastery over other States; while those who are the wisest of all, in their own conceit, aim not at one only, but at the sum total of these and the like objects, since they are unable to specify any one object of pre-eminent value towards which they would desire all else to be directed. (962d-e)

LS: That would have to be analyzed very closely, because we can recognize issues in modern thought very well, especially in point five—everything together and then one thing preferred at a time without any hierarchy. Let us read the immediate sequel.

Reader:

> [Clin.:] This Stranger,[xi] was not the view we stated long ago the right one? We said that all our laws must always aim at one single object, which, as we agreed, is quite rightly named "virtue."
> [Ath.:] Yes.
> [Clin.:] And we stated that virtue consists of four things.
> [Ath.:] Certainly.
> [Clin.:] And that the chief of all the four is reason, at which the other three, as well as everything else, should aim. (963a)

LS: Now let us stop at this. Is it not extraordinary, this passage? Why did those of you who laughed, laugh?

Student: Clinias is playing the role of tutor here.

LS: Was this also your impression? Yes, an extraordinary scene. It is very rare that another man plays the role of Socrates. You see, that is the reason I did not believe in tiredness. That is very amazing. Clinias has reached the stage where he can catechize the Athenian Stranger, and one could give some illustrations from the sequel. But that is, however, only the prelude to his complete defeat. The questions the Athenian now begins to consider are completely beyond his depth, and I think it illustrates very well how really bright Clinias is, and yet [he has] not an inkling of what is beyond that sphere of the political in the narrower sense.

Student: Isn't it significant that just three pages ago Clinias was having trouble getting hold of what it is that keeps an animal going?

LS: Yes, but could this not be connected? Could it not be that he still somehow has this simple notion of life, of man, of the city as a group of human beings united for defending themselves, and that this primary function somehow still appears to him as the highest function? Could this not be a definition of the political man in the narrower sense—in the strict sense?

Now we come of course into very deep water and we can read only a few passages. Will you read on where you left off.

Reader:

> [Ath.:] You follow us admirably, Clinias; and now follow us in what comes next. In the case of the pilot, the doctor, and the general, reason is directed, as we said, towards the one object of aim which is proper in each case; and now we are at the point of examining reason in the case of a statesman, and, addressing it as a man, we shall question it thus:—"O admirable sir, what is your aim? Medical reason is able to state clearly the one single object at which it aims; so will you be unable to state your one object—you who are superior, as perhaps you will say, to all the wise?" Can you two, Megillus and Clinias, define that object on his behalf, and

[xi] In the Loeb: "Then, Stranger"

> tell me what you say it is, just as I, on behalf of many others, defined their objects for you?
> [Clin.:] We are totally unable to do so. (963a-c)

LS: Now what is the difficulty? What is the precise difficulty? You must not forget that Clinias has accepted the teaching as defined in the First Book (he has a remarkable memory): there are the human goods, and above them the divine goods. The divine goods are the virtues. And[14] controlling and commanding among them is intelligence, *nous*. So what is the end? What is the end of this state, if we want to speak of the one controlling end? It is obvious. *Nous*! Intelligence! What is the difficulty? In other words, that the statesman should try to the best of his powers to make the citizen intelligent, thoughtful, *sophos*. Surely, there are an infinite number of corollaries, that is clear; that we know already. But is it not a clear statement of the end as [it is] in itself? What is the difficulty? It is indicated. Intelligence, yes, but what is intelligence about? Will we understand intelligence if we don't know what it is about? There is intelligence also in medicine, as there is intelligence in statesmanship. But what is intelligence itself about? The object of intelligence, that we do not know. And therefore we talk very vaguely.

Student: Doesn't it follow then that the use of this analogy of the pilot, the general or the physician doesn't really tell us what we need to know about reason?

LS: It tells us one very important thing: that in every art there is one controlling end.

Student: In every art?

LS: In every art, sure. The political art, the most comprehensive of all arts, also has one controlling end. Otherwise we have complete chaos.

Student: But if the political art doesn't have this end in the same sense in which these others have an end, then these others cannot serve as a proper analogy.

LS: Yes, and a political art wouldn't exist if it doesn't have such an end. It wouldn't be an art. But that it is an art is admitted, for example, even today. Whatever the relativists may say, as soon as they begin to talk politically and speak about American politics or politics based on democracy, for example, that end is clearly indicated with sufficient clarity—not with full clarity—by the word "freedom." That is of course not the Platonic answer. Sure[ly] not. But it is also an end which is understood, qualified practically in *n* different ways—that goes for Plato too—as that in the light of which we ultimately judge. We judge, using this, whether that is a nice society or not a nice society.

Student: Well, the thing I'm objecting to in the use of this analogy by Plato—and he doesn't only use it here, as you pointed out—is that all these other things are technical arts, skills which you can learn about objects which are quite readily available. But the political art is not this kind of technical skill.

LS: But how do you know? Plato doesn't speak of technical arts. He would say ministerial arts and ruling arts. Surely a ruling art will be different from all ministerial arts, say, shoemaking. Shoemaking is necessarily a ministerial art because no man in his

senses can find in the protection of his feet against sharp stones his fulfillment. To do so he would have to be a very crazy man.

Student: I agree that this is perfectly true meaning of a ministerial art, but the question is whether politics is this sort of thing. Is the political art this kind of art?

LS: The question is whether politics can reach so high as to be the truly ruling art, whether it has not severe limitations.

Student: Well, that is another question.

LS: But that it is a higher art and has a broader sweep than shoemaking . . . .

Student: Well, if it is a higher art, can these others serve logically as the analogy for it?

LS: Any rational activity presupposes a singleness of the end, so that in case of doubt you know which end has in principle the right of way. An art is defined, we may say, by rationality. But if the very principle of a given pursuit is irrationality, namely, that you have to gamble all the time and (how do you say?) throw dice, then it cannot be an art. But then it is irrational and then the question arises: Should we have it at all?

Student: Or rather, should we claim for it the status of expertise, a status which is claimed by these other arts?

LS: All right, let us make a distinction between expertise-rationality and another form of rationality. That might be necessary. But even that cannot be properly done if we do not have a clear understanding of the more accessible case, the shoemaker's case. The shoemaker, that is easy to understand. The principle is extremely . . . .

Student: It may be true that it is accessible for this reason, but it may be true that even though it is accessible to a limited extent because one can use this sort of analogy, it does not follow that by use of this analogy one can know what the end is properly.

LS: But we are guided. The analogy that tells us that you have an end, that you have to have materials, that you have to have certain human activities by virtue of which the material is transformed—as you can say that men are transformed by education, for example—these crucial points would apply to any rational action. That the case of the political art is infinitely more complex and difficult and that one cannot exactly justify but [can only] excuse those who give up because of the complexity, that is granted. Now will you go on reading where we left off.

Reader:

> [Ath.:] Well, then, can you declare that we need zeal in discerning both the object itself as a whole and the forms it assumes?
> [Clin.:] Illustrate what you mean by "the forms" you speak of.
> [Ath.:] For example, when we said that there are four forms of virtue, obviously, since there are four, we must assert that each is a separate one.
> [Clin.:] Certainly.

> [Ath.:] And yet we call them all by one name: we assert that courage is virtue, and wisdom virtue, and the other two likewise, as though they were really not a plurality, but solely this one thing—virtue.
> [Clin.:] Very true.
> [Ath.:] Now it is not hard to explain wherein these two (and the rest) differ from one another, and how they have got two names; but to explain why we have given the one name "virtue" to both of them (and to the rest) is no longer an easy matter.
> [Clin.:] How do you mean?
> [Ath.:] It is not hard to make clear my meaning. Let one of us adopt the role of questioner, the other of answerer.
> [Clin.:] In what way?
> [Ath.:] Do you ask me this question— (963c-e)

LS: Let us stop here. At any rate, you see the connection. Of course, nothing comes out of that proposal that Clinias should be the questioner, as you can see from the sequel. The Athenian, of course, remains the questioner, that is clear. That is only the counterfoil to this short passage where Clinias was really in control. You remember 963a? Clinias is a very able man, but in the moment the political dimension is transcended or when we reach the border, then he is out of his element. Now what is the precise difficulty here which he cannot handle at all? We have four virtues. Each is a virtue. We say [15][each] is a virtue, and yet we also say virtue is one. If someone is lacking one of the virtues, he is no longer virtuous. How can we understand that? Now can each part be a whole, and yet it is only a part? For Plato, that is the deepest question, applying not only to the virtues but to everything—that the whole consists of parts which are themselves wholes. For example, a part, e.g., a lion; and yet the species is a very well-circumscribed whole. Then you take the individual lion; it is a part of the species, but clearly it is a whole in itself. You reach a certain flooring. and that is the thing or being in itself, the parts of which can no longer be said to be wholes in the way in which the whole is. For example, the stomach is not able to live in the way the lion is able[16] to live. This question is absolutely beyond the possibilities of Clinias.

But let us look at a few more passages to indicate what Plato is driving at. In 964b-8, page 551.

Reader:

> [Ath.:] In regard to these matters, is it not right that the interpreters, the teachers, the lawgivers, as the wardens of the rest, in dealing with him that requires knowledge and information, or with him that requires punishment and reproof for his sin, should excel all others in the art of instructing him in the quality of vice and virtue and exhibiting it fully? Or is some poet who comes into the State, or one who calls himself a trainer of youth, to be accounted evidently superior to him that has won prizes for all the virtues? (964b-c)

LS: You see, this alternative is very interesting. If we have the legislators as they are in existence ordinarily, they are defective. They do not understand the fundamental questions. And then we couldn't blame people who fall for poets who say, "We go

beyond that"—and even for sophists, because these men who claim to be trainers of the young (that's exactly the sophists) are superior to the ordinary legislators. They are aware of something beyond that. In the speech after the next of the Athenian, 964e, beginning, will you read that?

Reader: [Ath.:] "Evidently we are comparing the State itself to the skull—"

LS: There is a remark of England here. England says, and that makes sense, [that] the state as a whole is compared to the trunk of a human body.[xii] "Skull" is one possible translation of the word; it can as well be "trunk," the trunk of the human body. More literally translated, "the city itself"—he doesn't say "the whole city"—is "that trunk". That means the head is beyond the city, and what is in the head. Does this very remarkable passage remind you of something which you may remember in the *Republic*? In the *Republic* the city of the pigs, the city without any virtue, is called the true city or *the* city. I believe this is a parallel to that. The intellectual element, the intellectual life especially, is beyond the polis. And the whole problem is indicated by such a formulation. Without the mind it is like a body without the head. So it needs it, obviously. And yet, on the other hand, it must also be protected against that. That creates also a difficulty for the polis. It is the same problem we have been discussing throughout this course.

There are two more passages. In 965d 5-6 (page 557) there is something.

Reader:

> [Ath.:] This element, my friends, we must now (if we please) hold very tight, and not let go until we have adequately explained the essential nature of the object to be aimed at—whether, that is, it exists by nature as a unity, or as a whole, or as both, or in some other way.

LS: That is really the last question of Plato, the ultimate question. Is the highest peak of learning, as he calls it in the *Republic*, to be understood as one, or as a whole? "One" would mean here something in distinction to the whole, something which does not consist of any parts; the whole consists of parts. Or is it both? Is it in one way without a seam,[17] and in the other way consisting of parts? That is the problem of the idea of the good. We find another allusion to that a bit later in 966a, the second speech of the Athenian.

Reader: [Ath.:] "Very well, then; do we hold the same view about the fair and the good? Ought our wardens to know only that each of these is a plurality, or ought they also to know how and wherein they are each a unity?"

LS: Yes, each of them. They are distinguished from each other. The distinction between the fair or the noble, and the good is crucial. The question, the problem of the idea of the good, as he calls it in the *Republic*, implies that the good is higher than the fair or noble. Now the answer of Clinias.

[xii] *The Laws of Plato*, ed. Edwin Bourdieu England, vol. 2, 625.

Reader: [Clin.:] "It is fairly obvious that they must necessarily also discern how these are a unity." (966a)

LS: Which could be understood to mean that he is trying to equate them simply, and that would of course from Plato's point of view mean the abandonment of the fundamental problem. This simple question of the relation of the fair and the good is truly the fundamental question, especially morally, because, as I have said more than once, the moral on the highest level is the fair and the noble. The good is higher than that, beyond that. One could use, not entirely wrongly, the Nietzschean formula "beyond good and evil" in the moral sense of the term. You know what Nietzsche means by beyond good and evil was of course beyond *morally* good and *morally* evil, not simply beyond good and evil. That is the question. Plato defines the eros in the *Banquet*, and it is popularly understood, as we all know, as love for the beautiful. Young people who love a girl love her as beautiful; even if she is objectively not beautiful, they see here as beautiful. Plato develops it very nicely, how snub noses and other things appear particularly attractive. You know these things, probably from the literature on the subject. Now what Plato says in the *Banquet* is that this is wrong. Eros does not tend toward the beautiful—beautiful, fair, noble in Greek is the same word—but the good. The relevance and significance of the noble, or the fair, can be understood only by virtue of its relation to its principle, the good itself.

We have to leave it at this point. The amazing thing which Plato does in these last few pages is to indicate the fundamental problems of his whole philosophy, and in a way which is verbally intelligible to Clinias, of course. Verbally. He talks, as it were, above Clinias's head to the young generation, or to some people in the young generation a hundred years in advance who, when reading that book, will understand more of it. That is a question which was raised very reasonably in today's report, namely: To what extent will the other Platonic dialogues be permitted? I suppose the nocturnal council would insist on having a few copies strictly closeted for the proper members who, when they tried to understand this prelude to the code, would feel it necessary also to read the *Republic*, the *Banquet* and so on.

[end of session]

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[1] Deleted "the."
[2] Deleted "it."
[3] Moved "heavier."
[4] Moved "lighter."
[5] Deleted "was."
[6] Deleted "do."
[7] Deleted "as."
[8] Deleted "that is."
[9] Deleted "with."
[10] Moved "that."
[11] Deleted "speaks."
[12] Deleted "that."
[13] Deleted "it."
[14] Deleted "the."
[15] Deleted "it"

[16] Changed from “capable to live in the way the lion is capable.”
[17] Deleted “or.”